



Griffith Criminology Institute

SUMMARY REPORT

Evaluation of the Specialist Domestic and Family Violence Court Trial in Southport

*Christine Bond
Robyn Holder
Samantha Jeffries
Chris Fleming*

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SUMMARY

The Domestic and Family Violence Specialist Court in Southport was implemented in response to the recommendations in the February 2015 report of the Queensland Special Taskforce on Domestic and Family Violence. The specialist court handles both civil applications for protection orders, as well as criminal matters related to domestic and family violence within the Magistrates Court jurisdiction.

By comparing the specialist court to a conventional court model, the 12-month evaluation found that overall, the Southport specialist court has made strong progress on its short and medium-term process outcomes. Both from stakeholders as well as those who use the courts, there have been strongly positive assessments of the specialist court. Importantly, it was clear from the interviews and focus group discussions that a culture of innovation has developed at the specialist court. Particular outcomes include:

- the role of the specialist magistrates was vital to facilitating collaborative change process in establishing the specialist court.
- the enhancement of strong collaborative relationships between the court, domestic violence services, police prosecutors and duty lawyers resulted in improved coordination of matters and services.
- ratings of satisfaction and perceived procedural justness of the process reported by victims was higher at the specialist court, compared to the comparison court.
- levels of self-reported understanding of court outcomes for both victims and perpetrators, (although the findings were more mixed for perpetrators) were higher at the specialist court, compared to the comparison court.
- there were indications that perceptions that offenders were being held accountable were higher at the specialist court, compared to the comparison court.
- the achievements to date suggest that the fairly modest additional cost of the specialist court may be justified.

Although the specialist court had made considerable progress, some issues for improvement were identified. Suggested improvements unique to the specialist court model include:

- most of the focus has been on the enhancement of the civil process. It would be timely to consider what more could be done in the criminal jurisdiction.
- due to the volume of matters appearing before the two specialist magistrates, the wait times for the scheduling of hearings and trials for contested matters is a concern.

In most cases, the issues identified were present at both the specialist and comparison court, such as:

- the continuing “hit and miss” around the identification and information sharing around domestic violence applications, family law and child protection
- the lack of necessary information in private civil applications
- although universally agreed, the lack of attendance by parties where referrals and support is dependent on presence at the courthouse (especially the case for respondents)
- the limited coordination and use of support before court appearance, and follow-up after appearance
- a lack of support at the courthouse for male aggrieveds and female respondents
- a need for better responses (such as behavioural change programs) for perpetrators from diverse backgrounds.

Finally, the application of a specialist *approach* to domestic and family violence in other communities was seen as feasible. This may mean a specialist court in some locations, but different strategies in other locations. In other words, the approach needs to be adapted to local needs and circumstances:

- support and assistance is even more crucial to ensure access for diverse populations.
- collaborative consultation with Aboriginal and Torres Strait Islander communities is needed to ensure culturally appropriate adaptations.
- a tiered approach to specialisation, based on rural/remote, regional and urban, would allow for local conditions to be considered in any implementation of a specialist approach.

Based on these findings, 16 recommendations are proposed for the specialist court in Southport, as well as a specialist approach state-wide.

KEY LESSONS LEARNED

In considering the evaluation findings, three important lessons emerged that have implications for further development of a specialist approach to domestic and family violence by the courts:

- leadership, collaboration and partnerships played a crucial role in promoting a workplace culture that was supportive of change and continual improvement.
- the ability to provide sustained support, information and legal advice for victims and perpetrators is vital to access to courts, and improved justice experiences for victims.
- specialisation provides a way of managing the complexity of domestic and family violence matters in the courts, as well as providing a meaningful service to victims and perpetrators.

After 12-months of operation, the evaluation results about the progress of the specialist court are promising. Longer-term, it is critical that the impact of the specialist court, especially on perpetrator accountability and victim safety, is evaluated.

KEY RECOMMENDATIONS

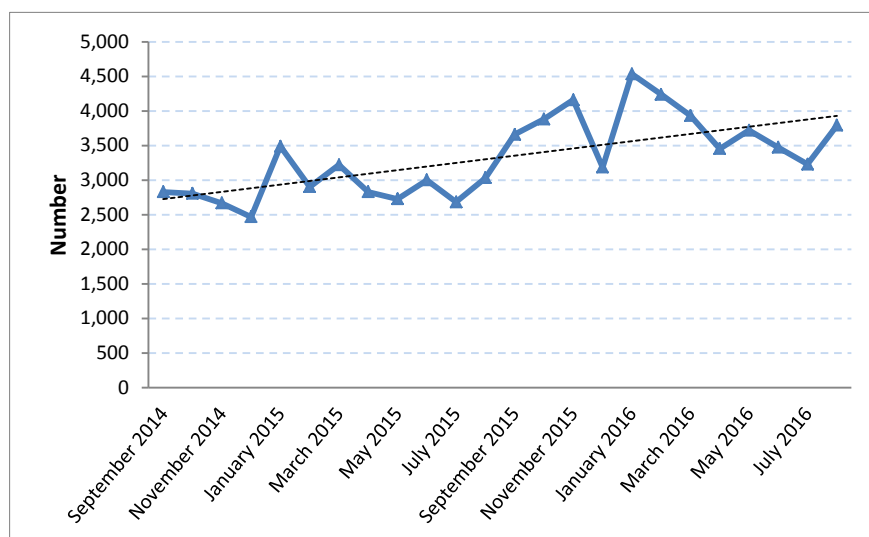
In total, based on the evaluation results, 16 recommendations were made. The key recommendations are:

- [Recommendations #1 and 2] the Southport specialist court should continue:
 - as a hub of innovation for continual improvement of the processing of domestic and family violence matters.
 - and include a re-examination of its criminal jurisdiction
 - revision of the program logic and the identification of performance indicators for routine monitoring.
 - and the long-term outcomes and impact of the Southport specialist court should be evaluated.
- [Recommendations #4, 6, 7 and 13] client-focused support framework for prior, during and after court should be developed and implemented:
 - Include strategies to improve engagement and participation in the process
 - such a framework should take account of the increased needs and challenges experienced by diverse communities.
- [Recommendations #14, 15 and 16] a tiered specialisation approach should be rolled out across the state:
 - using a staged implementation strategy that focuses on adapting to the local context and building partnerships and collaborations
 - including further engagement and research with Aboriginal and Torres Strait Islander communities, victims and perpetrators to develop culturally appropriate justice responses.

INTRODUCTION

Increasing reports of domestic and family violence nationally has resulted in greater awareness and attention on how we respond to this violence, especially the justice system. The volume of civil applications for domestic violence orders flowing into the Queensland court system continues to grow. As Figure 1 shows, there has been an upward trend in the number of all civil applications (original, variations, revocations) in the past 24 months. For the courts and the agencies supporting the courts, the challenge behind these numbers is being able to meet demand in ways that are responsive, timely, appropriate and proportionate (Ministry of Justice 2014).

Figure 1: Number of all types of civil applications for domestic violence orders filed per month, Queensland, September 2014 to August 2016



Source: Department of Justice and Attorney-General

Notes: All applications are included: originating, variations and revocations. The total number of applications between July 2014 and August 2016 is 84,696. The dotted line represents the linear trend in applications.

In September 2015, the Department of Justice and Attorney-General established the Domestic and Family Violence Specialist Court in Southport, as a response to the recommendations in the February 2015 report of the Queensland Special Taskforce on Domestic and Family Violence. The specialist court handles both civil applications for protection orders, as well as criminal matters related to domestic and family violence (breaches, and associated criminal offending) within the Magistrates Court jurisdiction.

This report summarises the results of the 12-month evaluation of the progress of the Domestic and Family Violence Specialist Court at Southport. For further details on the 12-month evaluation, its findings and implications, see the full report (*Evaluation of the Specialist Domestic and Family Violence Court Trial in Southport: Final Report*), available from the Department of Justice and Attorney-General.

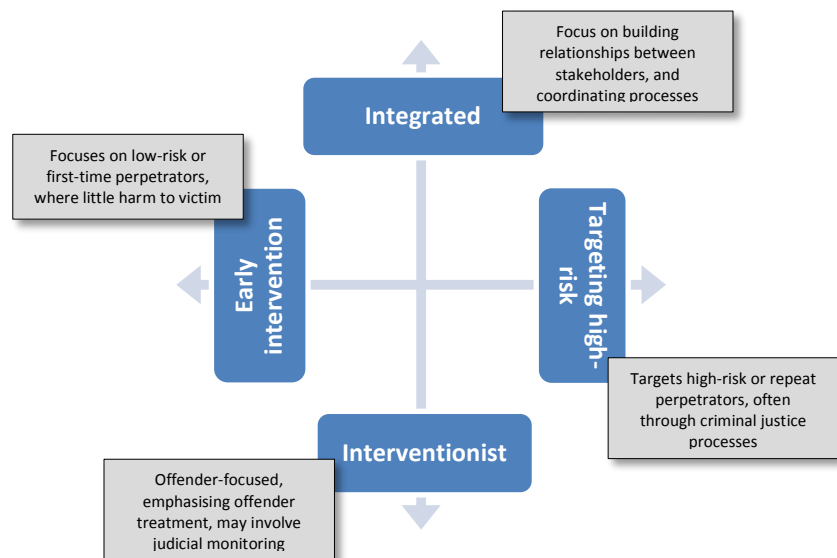
WHAT DO WE KNOW ABOUT SPECIALIST DOMESTIC AND FAMILY VIOLENCE COURTS?

The implementation of specialist domestic and family violence courts is increasing across western English-speaking jurisdictions. A National Portrait of Domestic Violence Courts in the United States (Labriola et.al. 2012) found 208 such courts. Canada has approximately 100 specialist domestic and family violence courts with the province of Ontario having over half of these (Johnson & Fraser 2011; Ursel et al. 2008). Between 2008 and 2013, specialist domestic violence courts in the U.K. had exploded from 23 locations to 138 (Crown Prosecution Service 2008; Centre for Justice

Innovation/New Economics Foundation 2014). An early Australian review examined 12 sites (Stewart 2005), but there has been no recent published audit. It is important to note that internationally most domestic violence courts are criminal courts, processing domestic violence-related offending (primarily intimate partner violence).

A review of past research and evaluations on domestic violence courts shows that although there is no single model of a specialist domestic violence court, we can think about specialist domestic violence courts as consisting of clusters of practices that sit on a continuum between integrated and interventionist,¹ and between early intervention and targeting of high-risk or repeat perpetrators approaches (see Figure 2). In other words, for example, a specialist domestic violence court in a particular jurisdiction may not be fully interventionist, but may contain elements of an integrated approach.

Figure 2: Dimensions of specialist domestic court approaches



Sources: Jane Doe Legal Network n.d; Ministry of Justice 2014.

Although there is considerable variation in specialist domestic violence courts in practice, research suggests that specialist domestic violence courts can improve efficiency outcomes and enhance victim and perpetrator satisfaction with court processes, at least in the processing of domestic violence-related criminal offending. Evidence of their impact on the reduction of re-offending is mixed.

As a result of this evidence, a set of “good practice principles” are emerging, which include: dedicated and safe courthouses; interventions that prioritise victim safety and reduce perpetrator repeat offending; specialised case processing for domestic violence cases; and comprehensive multi-agency support and information services for victims. Importantly, we note that these principles have emerged primarily from the implementation of *criminal* domestic violence courts.

WHAT IS THE SOUTHPORT APPROACH?

Specialisation is not a new practice for the courts. In particular, dedicated court lists for protection order applications, with support services present at the courthouse on the day, is a common practice in many Queensland magistrates courts in urban areas. The Southport specialist court is best described as using an “integrated model” for the processing of domestic and family violence matters, which differs from current court practices in several ways:

¹ These terms have been adopted from the report by the Jane Doe Legal Network (n.d.).

- specialist magistrates in dedicated courtrooms to hear all civil domestic and family violence order applications, and breaches of orders and related criminal charges proceedings
- in the civil jurisdiction, cases follow the magistrate (i.e. adjourned to a time when the matter can be heard by the same magistrate)
- in general, more time to consider civil applications
- a dedicated court registry, with staff who have an understanding of domestic and family violence and protection order proceedings
- increased support (both for victims and perpetrators) at the courthouse through enhanced legal representation by duty lawyers as well as a registry staff member in the support/safe room to access files and print out orders
- a dedicated information desk on the same floor staffed by volunteers to assist both victims and perpetrators with accessing assistance, but to also coordinate the flow of victims and perpetrators through support services into court
- an emphasis on enhanced coordination through weekly stakeholder meetings which are attended by at least one of the specialist magistrates.

Based on international experience, the combination of civil and criminal jurisdictions is somewhat unique. Most domestic violence specialist courts are criminal courts, processing domestic violence-related offending. There are exceptions, such as the Victorian Family Violence Court Division (Magistrates Court) (civil applications/breaches/related criminal), Integrated Domestic Violence Court (Toronto, Canada) (crime and some family law) and the Domestic Violence Unit (District of Columbia, United States) (civil, crime and some family law).

THE EVALUATION

The evaluation has four main objectives:

- to assess the 17 short and medium-term outcomes of the specialist court (see Figure 3, next page, for a summary of the outcomes)
- to assess the effectiveness of the implemented model as it might be applied to diverse communities
- to assess the applicability of the model across the state
- to assess the cost-effectiveness of the implemented model.

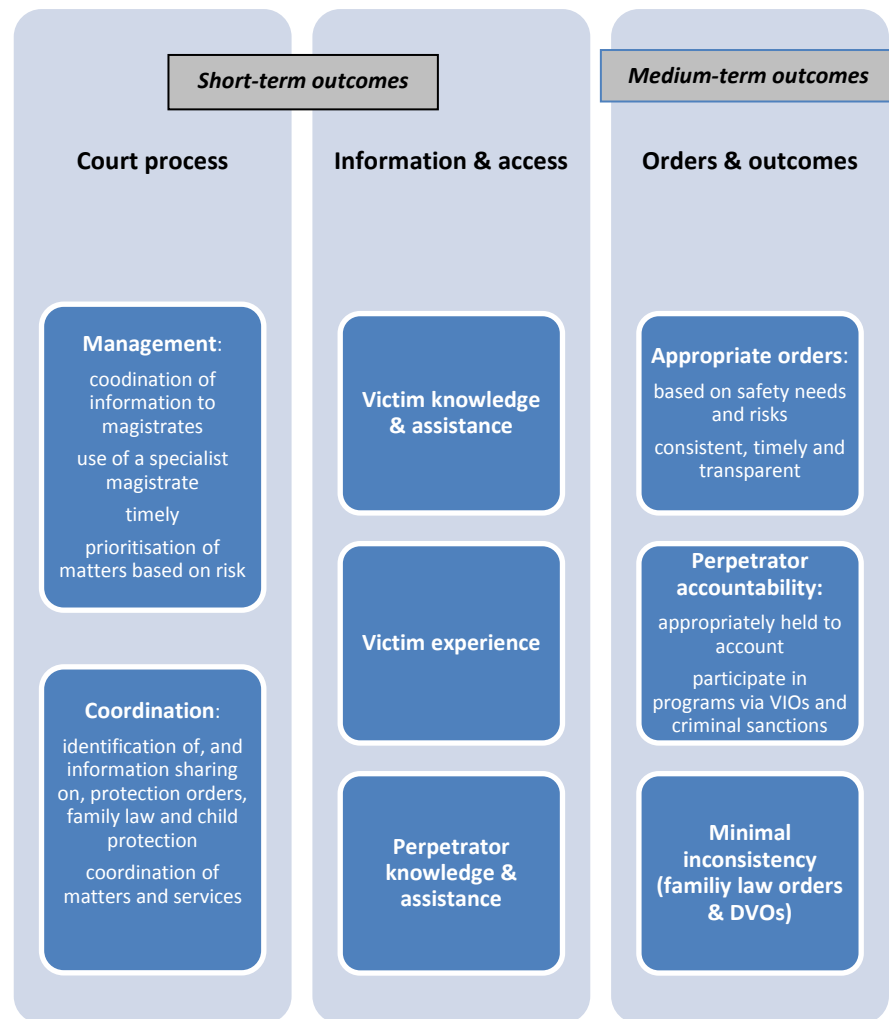
To do this, the specialist court was compared to a conventional court model of processing domestic violence matters. After discussions with the Department of Justice and Attorney-General, Ipswich Magistrates Court was selected as the comparison site.² Ipswich Magistrates Court processes domestic and family violence matters in a manner that is currently standard for an urban high volume court: a separate domestic violence civil applications list with legal and support services in attendance, and criminal and contested civil matters assigned to general lists. Similar to Southport, there has been considerable development of partnerships in the provision of domestic violence support services. These developments are summarised. Thus, Ipswich Magistrates Court provides a good comparison site to assess the achievements of the Southport specialist court in terms of its short and medium-term outcomes.

² A list of potential sites, with information on their current practices around the processing of domestic and family violence cases, as well as the volume of civil applications and breaches, was supplied to the evaluators by the Department of Justice and Attorney-General. In consultation with the Department, these sites, including their demographic profiles, were assessed.

Figure 3: Summary of short and medium-term outcomes

Notes:

- a. These outcomes were developed by the Department of Justice and Attorney-General.
- b. DVO = domestic violence protection order; VIO = voluntary intervention order



The evaluation relied on six main data sources (see Figure 4):

1. administrative data collected by Department of Justice and Attorney-General, Queensland Police Service and Legal Aid Queensland
2. data coded from a sample of case files for domestic violence protection orders, breaches and related criminal charges
3. a survey of a sample of victims and perpetrators of domestic and family violence who have recently been before the courts
4. focus groups with registry staff, police prosecutors, duty lawyers, and service providers
5. qualitative interviews with magistrates and other key stakeholders
6. financial data from key stakeholders involved in the process.

Figure 4: The 12-month evaluation design

	<i>Pre</i>	<i>During</i>	<i>At 12 months</i>
Southport (trial)	Administrative data	Administrative data	Administrative data
	Case file data	Case file data	Case file data Survey data Focus groups & interview data
	Financial data	Financial data	Financial data
Ipswich (comparison)	Administrative data	Administrative data	Administrative data
	Case file data	Case file data	Case file data Survey data Focus group & interview data
	Financial data	Financial data	Financial data
External stakeholders			Interview data

WHAT DID WE FIND?

Overall assessment

Our overall conclusion is that the Southport specialist court has made strong progress on its short and medium-term process outcomes. Both from stakeholders as well as those who use the courts, there have been strongly positive assessments of the specialist court. Importantly, it is clear from the interviews and focus group discussions that a culture of innovation has developed in the specialist court. In particular, the specialist court, compared to the comparison court, evidenced a shared problem-solving orientation to improving court and related processes.

What is important to note is that missing in most of the interviews and focus groups was a discussion of the criminal jurisdiction. Instead the primary focus of interviewees was the civil jurisdiction, with most examples and issues being drawn from civil matters. Although subsequent feedback revealed that more was occurring in the criminal jurisdiction than emerged in the focus groups and interviews, it was also clear that much of the focus of the first 12-months has been on the civil jurisdiction. It would now be timely for the specialist court to consider the further development of the role of the criminal jurisdiction in the specialist approach.

- Specialisation of all professionals (development of specialised processes).
- Services integrated (present, collaborating, weekly meetings, specialist registry, improved ability to liaise outwards).
- Explicit management of clients on the day (information desk, checking prepared).

Key evaluation findings

Three particular themes emerged from the evaluation results. These are related to:

- the management and coordination of the process
- the court experience for victims and perpetrators
- the implications for a state-wide adoption of a specialist approach.

Managing and coordinating the process

Although there are broadly similar civil court processes occurring at the courthouse for victims and perpetrators in both the specialist and comparison court, there were noticeable ways in which the specialist court enhanced the management of the process, information-sharing, and coordination of support. The analysis of interviews and focus group discussions particularly highlighted:

- the role of the specialist magistrates
- strong collaborative relationships resulting in effective coordination of matters and services to support the court.

The role of the specialist magistrates.

There was a strong consensus in the focus groups and interviews at the specialist court that the role of the specialist magistrate was vital to the operation of the specialist court, including achieving consistency in court process and outcomes. The specialist magistrate was seen as providing important leadership in facilitating improved processing of domestic and family violence matters. According to stakeholders, the characteristics of a specialist domestic and family violence magistrate include:

- an in-depth of knowledge of the legislation
- a good knowledge of legal and procedural issues, including the intersection of domestic and family violence with other areas of law
- a strong understanding of the dynamics of domestic and family violence, and its impact
- detailed knowledge of the available support systems and services
- ability to respond to the diversity of victims and perpetrators.

Importantly, the interviews and focus group discussions at the specialist court identified how collaborative change was accelerated because of the leadership of the specialised magistrates. While they did not direct the change process itself, the specialist magistrates were regarded as ‘owning’ the changes in important ways. In particular, there was a sense that magistrates accepted responsibility for making changes, for collaborating with and keeping their colleagues involved and informed, and generating consistency, stability and predictability.

Strong collaborative relationships resulting in effective coordination of matters and services to support the court.

Interviews and focus groups discussions clearly demonstrated the development of strong relationships between stakeholders within the specialist court. These relationships had four important characteristics:

- highly collegial
- collaborative
- court-involved
- focused on problem-solving.

Unlike the stakeholder meetings at the comparison site, the weekly working group meeting has a focus on solution-focused development of the specialist court. These meetings were described as a positive forum in which concerns, grievances and ideas could be openly discussed and debated. For many these meetings have been critical in breaking down silos and

“So before ... People always worked in silos to varying degrees.”

(service provider)

“It’s a strength that everyone meets and we collaborate and we’re able to ... we’re able to talk and have that relationship and share information so much more freely now and that continually improves...”

(service provider)

creating an environment in which everyone is working to improve court efficacy.

The specialist registry was also identified as providing a central role in the building of these relationships, and facilitating enhanced coordination of processes.

Issues and improvements

Although the specialist court had considerably enhanced the management and coordination of process, some issues for improvement were identified, including:

- the timeliness in criminal trials and civil hearings
- the identifications and information sharing around domestic violence applications, family law and child protection
- the quality of information in private civil applications.

The timeliness in criminal trials and civil hearings were identified as a critical concern in the specialist court.

Timeliness in criminal trials and contested civil hearings were identified as a recent concern at the specialist court, with waiting lists stretching out to six months at the time of data collection. Although the proportion of matters affected is small, the importance of the issue was well-recognised by all stakeholders at the specialist court.

The issue of the wait time for contested civil hearings and criminal trials is, in part, a consequence of the number of matters going before the specialist court. The volume of work was noted to have increased substantially since the specialist court commenced operations, with increases of 11.7 per cent in original applications, 46.5 per cent in applications to vary, and 37.7 per cent in breach charges. The specialist court, with two specialist magistrates, processes approximately 14 per cent of the civil applications (original and other) lodged in Queensland.

At the end of the evaluation period, a number of strategies (such as case management/negotiations, accelerated evidence) had commenced, but it was too early to assess their impact.

Identification and information sharing around domestic violence applications, family law and child protection remains “hit and miss” at both the specialist and comparison courts.

Despite the improvements evident at the specialist court, the information pathways between the family law and specialist courts were not necessarily seamless. There was some confusion evident in focus group discussions about how this process works (although a protocol to streamline the process at Southport exists).³ While the parties are expected to provide this information on their applications, they often neglected to do so. The onus was then placed on court staff including the magistrates to elicit this information from parties, often in the courtroom. A specialist magistrate commented that the information was more likely to “pop up” than be offered by parties, through a process of discussion in the courtroom.

³ This is not surprising as many processes have evolved over time at Southport. A full set of documentation of processes, policies and protocols have been completed, but this has occurred primarily since May 2016 (a recommendation of the interim evaluation report). Thus, it might be timely for a broader dissemination to policies and processes to stakeholders outside the registry.

The quality of information in private civil applications was identified in both sites as a key problem.

Across all groups and sites, interviewees and focus group participants identified the lack of relevant and detailed information in private civil applications as one of the top problems in the court processing of domestic and family violence. However, the need for more support and assistance in this area was generally recognised.

"I think what would be good if there was somewhere where people could go when they come here, to provide them with assistance to draft their application, because what I think is important is if they're here, they've made that step ... they might not come back ..."

(magistrate)

Court experience for victims and perpetrators

The importance of information and support for victims through the process was clearly recognised in the interviews and focus group discussions.

Based on self-evaluations of victims' and perpetrators' experiences at court,⁴ the specialist court has improved the support and assistance available to victims in three key ways:

1. access and experience with support services at the courthouse
2. levels of satisfaction and perceived procedural justness of the process by victims
3. reported understanding of the court outcome.

Access and experience with support services at the courthouse.

Both victims and perpetrators reported positive assessments of their experience at court on the day.

Although the data suggests good engagement and access of support services at the courthouse across both sites by victims, a striking difference is the reported access to legal advice: about 83 per cent of participants reported accessing a duty lawyer at Southport, compared to around 36 per cent at Ipswich (see Table 1). Overall, at both sites, the victim participants rated these services positively.

"[victims] don't understand the court process and I suspect that a lot of them are very surprised that just writing their application is not the end of the matter ..."

(magistrate)

Table 1: Aggrieved participants' reported use of services at court (Southport and Ipswich)

	% using service		Mean assessment of service	
	Southport	Ipswich	Southport	Ipswich
A court support worker	74.0	76.5	3.69 (0.47)	3.57 (0.51)
A duty lawyer or other publicly funded lawyer	83.0	36.4	3.59 (0.64)	3.57 (0.53)
An interpreter	0.0	0.0	---	---
The support/safe room	91.8	90.9	3.61 (0.68)	3.4 (0.70)
<u>Service only available at Southport</u>				
The information desk	70.5	---	3.38 (0.78)	---
The specialist court registry	62.2	---	3.46 (0.64)	---

Source: Victim survey.

Notes:

- a. Standard deviations reported in brackets.
- b. Responses ranged from 1 (Poor) to 4 (Excellent). Higher scores mean stronger agreement.
- c. Red circles indicate the difference in proportions between the trial and comparison sites was statistically significant at $p < 0.05$. Small sample tests were calculated.

Perpetrator reported use of services is summarised in Table 2. Over three-quarters of respondent/offender participants at the specialist court reported accessing court support workers

⁴ Due to the small sample sizes (especially at the comparison court), the findings may be limited.

and duty lawyers, suggesting good access to support and legal services.⁵ In contrast, of the small sample of participants at the comparison court (n=9), only 5 participants reported using a service, and that was talking with the male liaison court support worker. Overall, respondent/offender participants at the specialist court reported positive assessments of these services with mean scores above 3.0 (“good”).

Table 2: Perpetrator participants’ reported use and assessment of services at court (Southport and Ipswich)

	% using service		Mean assessment of service
	Southport	Ipswich	Southport
A court support worker	89.5	55.6	3.76 (0.60)
A duty lawyer or other publicly funded lawyer	73.7	0.0	3.13 (0.50)
An interpreter	2.6	0.0	---
<u>Services only available at Southport</u>			
The information desk	2.6	---	---
The specialist court registry	21.1	---	3.38 (0.52)

Source: Perpetrator survey.

Notes:

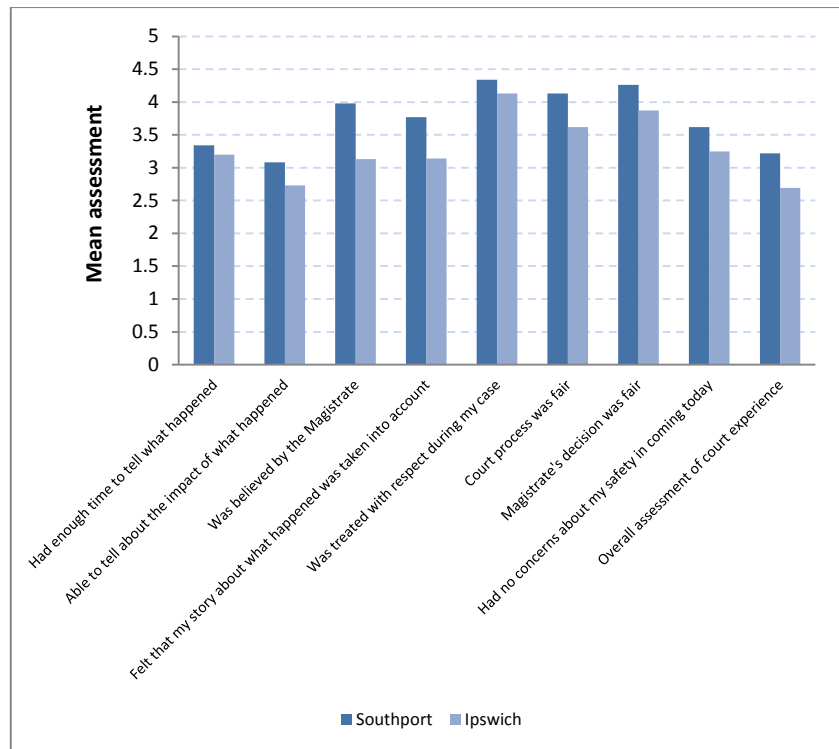
- Standard deviations reported in brackets.
- Responses ranged from 1 (Poor) to 4 (Excellent). Higher scores mean stronger agreement.
- Due to the small numbers of participants at Ipswich, means are not reported, and statistical tests were not estimated. Means are also not presented the numbers reporting use is too small for meaningful analysis.

Higher ratings of satisfaction and perceived procedural justness of the process by victims.

On all measures, victim participants attending at the specialist court self-reported a more positive experience than those at the comparison court (see Figure 5). Just over 81 per cent of victim participants at Southport rated their court experience as “excellent”, compared to 50.0 per cent of victim participants at Ipswich. At the specialist court, 73 per cent of victim/aggrieved participants felt that they were believed by the Magistrate, compared to 40 per cent at the comparison court. Similarly, a higher proportion felt that the impact of what had happened to them was taken into account by the Magistrate at the specialist court, compared to the comparison court. There were also high levels of perceived procedural justice in the Southport sample, with over 85 per cent of participants agreeing or strongly agreeing that they were “treated with respect”, “the court process was fair”, and the decision was “fair”. In the Ipswich sample, fewer participants agreed that the court process was fair (61.5% compared to 85.2% at Southport).

⁵ Lower use of the specialist court registry is not unexpected, given the nature of the court process. Contact with the parties would generally only occur at the time of filing of applications, if copies of orders are required, or if parties had specific queries about their application or the process. Much of the work of the registry is behind the scenes in coordinating paperwork for court, facilitating the transfer of applications and orders between the court and the police, and managing the court lists.

Figure 5: Aggrieved participants' reported experience at court (Southport and Ipswich)



Source: Victim survey.

Notes:

- a. Responses ranged from 1 (strongly disagree) to 5 (strongly agree). Higher scores mean stronger agreement. The overall assessment of the court process ranged from 1 (poor) to 4 (excellent), with higher scores indicating more positive assessments.
- b. Red circles indicated a statistically significant difference at $p < 0.10$. Small sample tests were calculated.

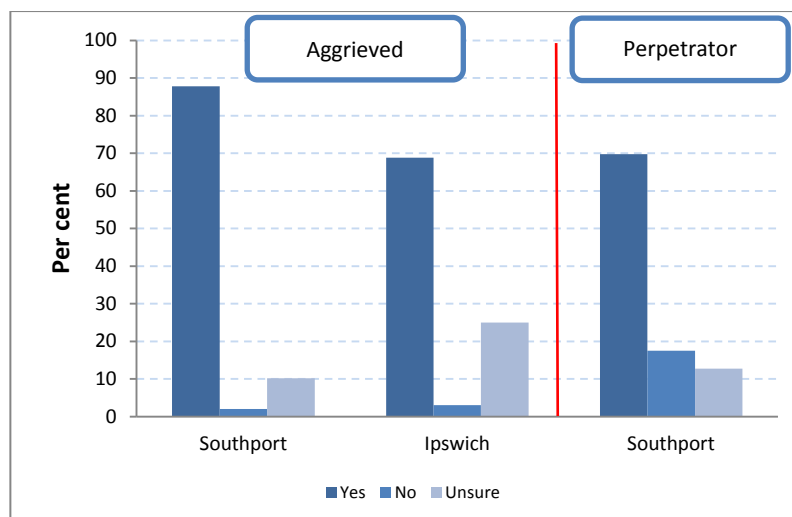
Improved self-reported understanding of court outcomes.

An important aspect of supporting and informing victims as well as perpetrators is ensuring that they understand not only what to expect in terms of process, but also what has been decided and its implications to them. In the survey of victims, we asked those who received an order whether they understood that order. Table 4 indicates a reported higher level of victim/aggrieved understanding of the court outcome at the specialist court. Of those who were granted orders, 88 per cent of aggrieved participants at the specialist court, compared to 64 per cent at the comparison court reported that they understood the court order. Of particular interest is the proportion of participants who indicated that they were unsure about whether they understood the outcome of their appearance on that day, 25 per cent of participants at the comparison court compared to 10 per cent at the specialist court reporting that they were unsure.

Although the majority of respondent/offender participants who received orders indicated that they understood the orders, there remained a substantial proportion of participants who reported that they had not understood, or were unsure about, the court order. As shown in Figure 6, just under one-third (30%) of our participants reported they did not understand or were unsure. It does suggest that a lack of understanding may be greater among respondents/offenders than victim aggrieveds at Southport, despite the increased information and support available at the specialist court.

Figure 6: Reported understanding of the court order (Southport and Ipswich)

Source: Victim and perpetrator surveys.
 Note: Due to small numbers, percentages are not reported for perpetrators at Ipswich.



Overall, the survey data suggests that respondent/offenders have mixed views on the information and support available to them. Interviews and focus groups discussions described the provision of assistance to perpetrators as falling short of that provided to the aggrieved (particularly at the comparison court).

"It's top heavy in that it's all about the aggrieved..."
 (police prosecutor)

Impact on perceptions of perpetrator accountability?

An important outcome, both medium term and long term, of the specialist court is increasing perpetrator accountability.⁶ Conventionally, offender accountability is equated to the severity of the sanction imposed by the court. In other words, it focuses on what the court does to hold perpetrators responsible for their actions. More recently, an alternative definition of accountability emphasises the offenders', rather than the courts', response: i.e. that offenders take "responsibility for ... [their] actions and ... [accept] the possibility for change" (Gilligan & Lee 2005: 144). A final point needs to be noted: these definitions of offender accountability have emerged from the context of responding to criminal behaviour. Consequently, there is a question about how civil justice responses may fit within these conceptualisations of offender accountability.

There are indications that the specialist court may have had an impact on perceived perpetrator accountability (see Figure 7). Compared to the comparison court, victim participants in the specialist court reported higher levels of agreement that the wrongfulness of the behaviour had been communicated in the courtroom. Although victim assessments that the perpetrator had been held to account are not as positive, the specialist court sample had higher levels of agreement (victim participants in the specialist court had a higher proportion (45.1%) agree or strongly agree that the perpetrator "was held responsible for the incident by the Magistrate" than in the comparison court (38.5%)). Around one-quarter in both samples agreed that the perpetrator personally took responsibility for the behaviour (26.4% and 25.0%).

In contrast, 54 per cent of perpetrator participants at the specialist court strongly agreed or agreed that their behaviour needed to change (see Figure 7). Two out of 9 perpetrator participants at the Ipswich similarly agreed.

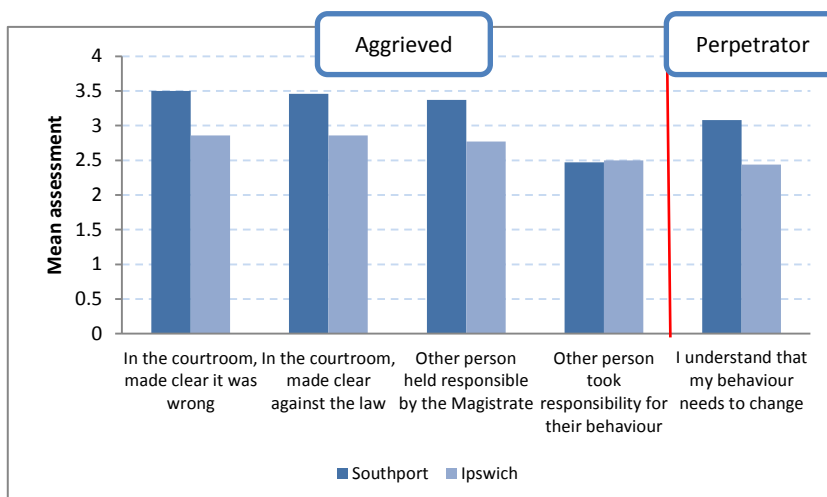
⁶ A review of the research on domestic and family violence courts shows that offender, or perpetrator, accountability is a common goal for this type of court.

Figure 7: Reported assessment of perpetrator accountability at court (Southport and Ipswich)

Source: Victim and perpetrator surveys.

Notes:

- a. Responses ranged from 1 (strongly disagree) to 5 (strongly agree). Higher scores mean stronger agreement.
- b. Small sample tests were calculated for the differences in the proportions for victims. No differences were large enough to achieve statistical significance at conventional levels ($p < 0.05$). Due to sample size, no statistical tests were calculated for the perpetrator sample comparisons, as only 2 (out of 9) participants at Ipswich agreed that their behaviour needed to change. Inferences about differences must be made cautiously.



For those stakeholders working at the specialist court, there was a strong sense that the specialist nature of the court contributes to offender accountability.

"I think people have a sense that when they're appearing in this jurisdiction [the specialist court] that it's a kind of a big deal, so I think that probably increases their sense of accountability"
(criminal duty lawyer)

Issues and Improvements

Despite the successes in the support and information provided to victims/aggrieveds and perpetrators/offenders, there were some continuing issues, including:

- the need for better preparation before, and follow-up after, court
- low levels of attendance, when referrals and support is dependent on presence at the courthouse
- lack of support for "non-traditional" victims and perpetrators
- lack of responses for perpetrators from diverse backgrounds.

Need for better preparation/support before court appearance, and follow-up after appearance.

The issue that emerged from a consideration of the focus group discussions was the need for structured pro-active contact with victims and perpetrators prior and after court. Clearly, support, legal aid and community legal services are available outside the courthouse. However, our understanding from the interviews and focus groups at both sites is that this is primarily victim or perpetrator-initiated contact. Proactive contact with victims and perpetrators appeared ad hoc, although some examples of it occurring were identified. However, the importance of structured support prior, during and post court appearance is that it provides a key engagement strategy for including victim participation in the process, as well as encouraging accountability for perpetrators.⁷

We need to distinguish between information assistance and independent support and advocacy. Currently, in the specialist court, a form of independent support and advocacy is provided through domestic violence support workers and duty lawyers.⁸ An information assistance role, which may be

⁷ Additionally, the *Victims of Crime Assistance Act 2009* is currently under review. A possible amendment being considered will shift the onus onto relevant agencies to proactively provide information to victims, rather than upon request.

⁸ Although we recognise that this does not provide an independent victim advocate role in criminal matters for victims.

located in the court differs from domestic violence support workers and duty lawyers in that its role is related solely to providing information about the legal processes at key stages, and ensuring that individuals have been provided with links and referrals to relevant support and legal services. The purpose is to proactively contact parties in matters before the court to ensure that they have been able to access information about the case, its progress and outcomes, as well as information about relevant services, if required. (In the past, courts waited for individuals to contact court registries for information.) As such, the role and responsibilities do not differ by type of matter. Responsibilities may end where relevant parties have been followed-up post court to ensure that they have a copy of any orders, understand the content of that order, and have links to any follow-up support and legal services.

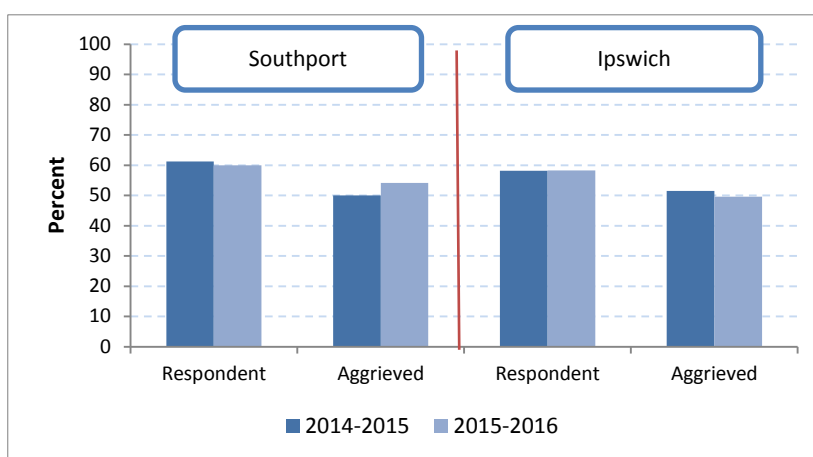
In developing a client information assistance service framework, we suggest that the courts may be an appropriate location, but other options may also be viable. Although it is important for courts to provide good service to the public, maintaining its neutrality is also a vital consideration in identifying how such a service would operate. Likewise, it is important that the parties continue to have independent (as distinct to court-based) support and advocacy.

Lack of attendance is a problem where referrals and support is dependent on presence at the courthouse, especially for respondents.

The non-attendance in civil matters was consistently identified in interviews and focus groups discussions as a concern at both sites.⁹ This is supported by recorded attendance data for civil applications (regardless of type) (see Figure 8), which shows that close to 60 per cent of respondents and 50 per cent of aggrieved parties, were recorded as *not* attending. There are minimal differences over time, or across court sites.

Figure 8: Percentage of non-attendance for all civil applications (Southport and Ipswich)

Source: Court administrative data
Note: Missing (or unrecorded) were not included in the calculations. Information on attendance was missing for 2% of applications for respondents, and 1% of applications in 2014-2015, and 2% (Southport) and 3% (Ipswich) in 2015-2016 for aggrieved parties. Total number of applications (including missing): 20,824 (2014-2015); 29,474 (2015-2016).



Overall, there were different views identified about the desirability of the attendance of the aggrieved and respondent at court, especially in the case of the aggrieved for reasons around safety and trauma. However, a lack of court attendance means that a substantial numbers of aggrieved and respondents were not accessing the legal advice or support/assistance provided at court, including the opportunity to discuss the practical implications of any order. For aggrieveds, it may also result in minimising victim preferences in terms of how they would like the matter handled, which in turn

⁹ The issue of non-attendance is different in criminal matters. Given that most criminal matters are resolved by guilty plea, the non-attendance (or failure to attend) of victim witnesses was not perceived by stakeholders as an issue. Further, a failure to appear by a criminal defendant may result in a warrant for arrest.

may mitigate victim agency. While for respondents, attendance at court may facilitate increased perpetrator accountability.

Lack of support for male aggrieveds and female respondents.

Although not the view in all interviews and focus groups, there was disquiet expressed in both courts about the nature of the support and assistance for others who might not fall within the usual demographic categories of aggrieved or respondent. For example, during the first 12 months of the specialist court, about a quarter of aggrieved parties were male (25.6%) and respondents were female (25.3%) at the specialist court.

Focus groups with registry staff and duty lawyers in the specialist court observed that there were inadequate facilities for male aggrieveds. Similarly, female respondents were described as ‘falling through the gaps’ in service provision and assistance. Magistrates in both courts concurred that there was scope for improvement with the assistance and support for males at court as well as for female respondents. Across both sites, court support workers attempted to assist as best they could even though the nature of their services is clearly gendered (female victim/male perpetrator).

“Men [respondents] are not turning up to court. There were 74 male respondents listed this week and only 19 attended. This needs to be dealt with; they are not accessing services, they are not going before the court Coming to court provides a window of opportunity, a time when they might actually talk to someone, a time where there might actually be an opportunity for change...”
(service provider)

“[Then there is the] issue of female respondents, they are put in the safe room with the aggrieved and not provided with the same level of service as male respondents, for example MensLine”
(service provider)

Lack of responses (such as behavioural change programs) for perpetrators from diverse backgrounds.

Just under a third (31.7%) of the perpetrator participants at Southport in our survey reported that they had agreed to a voluntary intervention order (which is an order requiring attendance at an approved ‘program’ and/or counselling that work to assist respondents to change their behaviour). It was commonly observed in the focus groups with service providers and duty lawyers at the specialist court that the use of voluntary intervention orders had increased substantially.

However, at both sites, issues around the programs themselves were raised in interviews and focus groups. In particular, concerns about waiting times for the approved programs were frequently raised. Waiting lists at the comparison court had now stretched out to eight weeks, while in the specialist court they were between two (day-time program) and six weeks (night time program).¹⁰ This is concerning because as one of the magistrates noted, when respondents are expressing a willingness to change, it is important to “strike while the iron is hot”.

“... but last time I was in DV court they had a delay of about 8 weeks ... [for an opening in the program], which I personally think is not a good idea. I tend to think that ... you need to strike while the iron’s hot; ... if they decide they want to go then they really need to go within about a week, because otherwise I think the impetus falls behind”
(magistrate)

The lack of options for female respondents and perpetrators of family violence (discussed earlier), as well as the Anglo-centric nature of many existing group programs (a point discussed later) was

¹⁰ While waiting for a space, one-to-one counselling could be available to perpetrators. These waiting times were at the time of data collection, and may now be longer. For instance, at the time of the completion of the final report, respondents at the specialist court were waiting for eight weeks for an opening to the evening program.

identified by interview and focus group participants in both court locations. Our further concern is that there is a limited robust evidence base on the effectiveness of perpetrator interventions: that is, what works and for whom (Mackay et al. 2015).¹¹ In other words, courts may be relying on perpetrator programs that may not yet have a strong empirical assessment of long-term effectiveness in changing perpetrator behaviour. Thus, we strongly suggest that as part of judicial education on domestic and family violence, information on program effectiveness is provided to magistrates.

Criminal sanctions can also be viewed as a type of intervention with perpetrators. The interviews, particularly at the specialist court, did indicate that broader options for dealing with domestic violent criminal offending were needed.¹² Looking at other jurisdictions, strategies could include: systematic risk assessment at bail; conditional bail programs (e.g. referral to substance abuse programs as a condition of bail); and 'treatment' programs for first-time offenders. However, the current research base for understanding the relationship between the nature of domestic violence-related offending and criminal sanctions remains limited.

Implications for a state-wide approach to specialisation

There are a number of challenges to providing a specialised justice response to domestic and family violence state-wide. These include:

- responding to the needs of diverse populations
- responding to the different needs of Aboriginal and Torres Strait Islander communities, victims and perpetrators
- integrating key domestic and family violence court principles in rural and regional locations.

Responding to the needs of diverse populations

There is minimal information routinely collected to identify individuals before the courts who are members of diverse communities, especially those from culturally diverse communities or those with disabilities. However, *from the data available*, there was minimal diversity among the victims and perpetrators who appeared in the Southport specialist court. (This assessment is limited by what is recorded; for example, if victims do not identify as belonging to particular groups, then the data will undercount the extent of diversity in the court.) However, based on interviews with those working with members of these communities, there are some common themes about the processing of domestic and family violence for these groups emerged, including:

- many are wary in their engagement with the police and justice system
- issues of support and availability of appropriate interventions become more critical.

Thus, the value and strength of partnerships among the justice agencies and other support services is vital to providing pathways into and out of the justice system for members of these communities. In these circumstances, the specialist services wrapped around a court process were considered essential. It was through these services that more detailed conversations were had with aggrieved and respondent persons about their particular situation, the different issues confronting them, what

¹¹ We recognise the ongoing work by ANROWS to develop a rigorous evidence base for perpetrator interventions.

¹² In an evaluation of the domestic violence courts in the United Kingdom, interviews indicated that Magistrates were frustrated in about not knowing "what effective sentences ought to look like for particular cases" (NEF/Centre for Justice Innovation 2014, p. 15). This evaluation concluded that there was an "over-reliance" on perpetrator programming given that there is "limited" evidence that these programs have an impact on repeat offending (p.17).

they thought legal intervention might achieve, and what they wanted to achieve. The key point is that the specialist domestic and family violence services can act as a hub to actively build and maintain communication and support for clients that will assist them in their interactions with the justice system.

Responding to the needs of Aboriginal and Torres Strait Islander victims and perpetrators

Our consultations identified similar issues in considering the development of specialised models of responding to domestic and family violence for Aboriginal and Torres Strait Islander victims and perpetrators:

- lack of culturally appropriate perpetrator programs and interviews, as well as victim support resources.
- lack of ongoing culturally appropriate court processes, such as the participation of Elders or other respected people, especially for civil applications.
- different needs and expectations of Aboriginal and/or Torres Strait Islander victims of domestic and family violence, compared to non-Indigenous victims.

Although there was also some support for a Murri-court style Indigenous Domestic and Family Violence Court amongst interview and focus group participants, we must work with Aboriginal and/or Torres Strait Islander communities to develop appropriate frameworks for our justice responses to domestic and family violence.

Integrating key domestic and family violence court principles in regional and rural locations

The challenge of equal access to specialist domestic violence justice approaches to victims in rural and regional locations is a critical one for Queensland, and other parts of Australia¹³. It is also one that is being wrestled with in Canada and the United States. From past research and experience in Canada and the United States (e.g. Wisniewski et al., 2016; Barton et al., 2015; Nugent-Borakove, Mahoney & Whitcomb, 2011; Aldrich & Mazur, 2005), and the lessons from Southport, we can identify a number of strategies for providing a specialist response in rural and regional locations:

- further developing partnerships between stakeholders and service providers delivering services in regional and rural areas.
- using online tools and communication strategies as part of a broader victim support framework to allow for participation of regional and rural victims
- using online technologies to enhance access to legal advice and court for rural and remote victims
- providing ongoing specialist education for those involved in court processes in these locations.

Coordination and partnerships among stakeholders, integrating specialisation into regular practice, and thinking creatively about the use of technology and resources are keys in providing better access to justice responses for domestic and family violence victims in rural and remote locations (Aldrich & Mazur, 2005; see more generally Nugent-Borakove, Mahoney & Whitcomb, 2011).

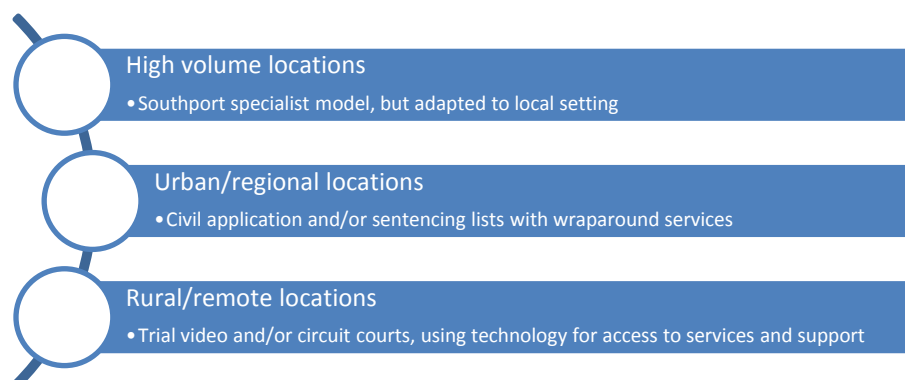
Overall, the delivery of specialised court responses to domestic and family violence matters at a state-wide level requires tiered approach (see Figure 9). In adapting a specialist court approach

¹³ For example, see New South Wales (www.crimeprevention.nsw.gov.au/domesticviolence/Documents/domestic-violence/DVJS.pdf).

across the state, the following principles should be used as a guide to the development of an implementation strategy:

- combining judicial leadership with local service innovation
- evidence-led innovation
- developing consistent approaches that can be replicated
- supporting sites with practice development.
- integrating problem-solving with changing court technology (Centre for Justice Innovation 2016).

Figure 9 : A tiered approach to specialisation across the state



As part of any implementation plan, routine monitoring and evaluation are vital. This includes the development of performance indicators. There are two dimensions to these indicators:

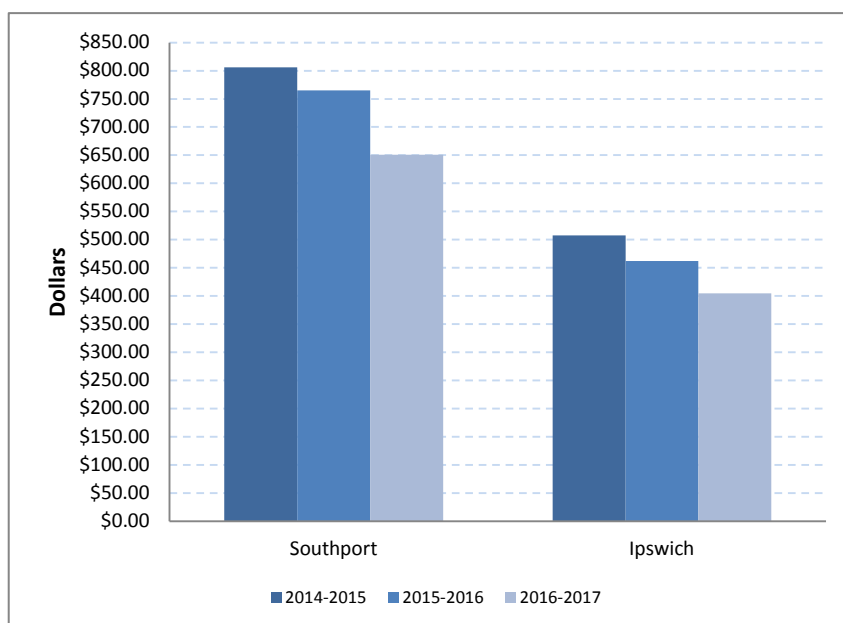
- *activity* indicators: This type of indicator allows the routine monitoring that processes are operating in an appropriate manner, and often rely on data that is routinely collected by agencies.
- *outcome* indicators: These indicators, which often require independent data collection, measure outcomes. For these indicators, courts might consider the development of short 1-page questionnaire that could be administered each 6 months or 12 months to key groups (e.g. victims, perpetrators, key stakeholders).

Cost-effectiveness of the Southport specialist court

Cost-effectiveness analysis is an alternative to the more widely used cost-benefit analysis. Simply, cost-effectiveness analysis assesses the cost of a project or program relative to the outcomes (benefits) it generates. At this stage, identifying the costs of particular processes that are occurring in the specialist court was not possible as many of these processes have evolved over the first 12 months and only recently stabilised. Thus, the analysis estimated the incremental cost of the specialist court model itself (compared to a conventional approach in a high volume court). Figure 10 shows the estimated cost per domestic and family violence matter (“per activity cost”) processed through the specialist (Southport) and comparison (Ipswich) courts.

Figure 10 : Summary of estimated average per-activity cost for domestic and family violence matters, specialist (Southport) and comparison courts (Ipswich)

Source: Based on data supplied by Department of Justice and Attorney-General, Queensland Police Service, Legal Aid Queensland, and domestic violence service providers.
Notes: These costs are an average for all types of matters. Excludes costs related to overtime and accrued or flex time, use of volunteers, and the planning and implementation of the specialist court.



In both courts, the average per-activity cost declined by approximately 20%. Some decline was not unexpected, as it is in part influenced by the increase in volume of matters in both courts. However, the cost difference per matter between the two courts has narrowed over time, from a difference of \$298.21 in 2014-15 to a difference of \$245.80 in 2016-17 (an 18% reduction). The processing of domestic and family violence matters has consistently been more costly in Southport compared to Ipswich, both before and during the specialist court trial.

In summary, the evaluation data indicated that the specialist court (compared to traditional processing approaches of the comparison court) achieved a range of benefits, including: improved management and coordination; enhanced strong proactive partnerships between stakeholders; indications of improved victim experience and support at the courthouse; as well as increased reported understanding of court outcomes by victims and perpetrators. These achievements to date suggest that the fairly modest additional cost of the specialist court may be justified. However, we cannot yet assess the cost savings that might accrue with any long-term outcomes (e.g. fewer domestic violence offenders re-offending).

FINAL COMMENTS

In considering the evaluation findings, three important characteristics were identified that have implications for further development of a specialist approach to domestic and family violence by the courts:

- the critical role of leadership, collaboration and partnerships in facilitating the development a workplace climate that supported change.
- the importance of sustained support, information and legal advice for victims and perpetrators is vital to access to courts, and improved justice experiences for victims.
- the function of specialisation as a way to manage the complexity of domestic and family violence matters in the courts.

After 12-months of operation, the evaluation results indicate that the specialist court has made considerable progress in terms of its short and medium-term outcomes. Longer-term, the impact of the specialist court, especially on perpetrator accountability and victim safety, needs to be evaluated.

For a full discussion of the issues and implications of the 12-month evaluation, see the final report (*Evaluation of the Specialist Domestic and Family Violence Court Trial in Southport: Final Report*).

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