



Massey University

Accounting for Safety: A Sample of Women Victims' Experiences of Safety Through the Waitakere Family Violence Court



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Disclaimer

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Contents

Disclaimer	i
Acknowledgements	ii
List of Illustrations	vii
Executive Summary	viii
E.1 Background	viii
E.2 Methodology	ix
E.3 Findings: Victim interviews	x
E.4 Findings: Key informant advocate interviews	xiii
E.5 Addressing the aims of the Waitakere Family Violence Court	xv
1. Introduction: The current study in context	1
2. Background: The WFVC and its social context	3
2.1 The social context in Aotearoa/New Zealand	3
2.2 The Waitakere Family Violence Court	5
2.3 Women victims' safety and criminal justice responses	7
2.4 Criminal justice responses to intimate partner violence internationally	10
2.4.1 Policing	10
2.4.2 Specialist Domestic Violence Courts	11
2.4.3 Co-ordination	12
2.4.4 Community Victim Advocates	13
2.4.5 Information sharing	14
2.4.6 Referrals to offender programmes and judicial monitoring	15
2.5 Women victims' safety at the Waitakere Family Violence Court	16
3. Methodology	18
3.1 Methodological rationale	18
3.2 Research questions	19
3.3 Ethical considerations in intimate violence research	19
3.3.1 Safety	19
3.3.2 Minimising and stereotyping	20
3.3.3 Mistrust	20
3.3.4 Privilege of experience	20
3.3.5 Ethical considerations and culture	21
3.4 Data generation	21
3.4.1 Representation and sampling	21
3.4.2 Recruitment and participants	23
3.4.3 Data generation	24
3.4.4 Data analysis	25
4. Part One: Before this arrest	32
4.1 Theme: A history of violence	32
4.1.1 Sub-theme: This incident was not the first	32
4.1.2 Sub-theme: Drugs	34
4.1.3 Sub-theme: Weapons	35
4.1.4 Sub-theme: Mental health	36
4.2 Theme: Emotional turmoil	36
4.2.1 Sub-theme: Fear	37
4.2.2 Sub-theme: Shame	37
4.2.3 Sub-theme: Love and sympathy	38

4.2.4 Sub-theme: Control	39
4.3 Summary: Patterns of ongoing violence	40
5. Part Two: Arrest and court proceedings	41
5.1 Theme: Intimidation, coercion and threats	42
5.1.1 Sub-theme: He came straight back	42
5.1.2 Sub-theme: I'm afraid	44
5.1.3 Sub-theme: Denying	45
5.1.4 Sub-theme: Blaming	46
5.2 Theme: Contact with court	47
5.2.1 Sub-theme: Community advocates and victim advisors	47
5.2.2 Sub-theme: Statements for the court	49
5.2.3 Sub-theme: Helpfulness	51
5.2.4 Sub-theme: Disappointments	52
5.2.5 Sub-theme: Follow up	53
5.3 Theme: Going to court	54
5.3.1 Sub-theme: (Not) going	54
5.3.2 Sub-theme: Love and fear	55
5.3.3 Sub-theme: If it had been safe	56
5.3.4 Sub-theme: Delays	57
5.4 Theme: Chances to change	59
5.4.1 Sub-theme: He had to do it	59
5.4.2 Sub-theme: Still angry	60
5.5 Summary: The women's experiences of WFVC proceedings	61
6. Part Three: After court	62
6.1 Theme: He didn't learn	62
6.1.1 Sub-theme: It wasn't a lesson	62
6.1.2 Sub-theme: More of the same	63
6.1.3 Sub-theme: It means nothing	64
6.2 Theme: Things have changed	66
6.2.1 Sub-theme: Different, and yet	66
6.2.2 Sub-theme: Family healing	67
6.3 Theme: What keeps me safe and doesn't	68
6.3.1 Sub-theme: Silence	68
6.3.2 Sub-theme: Making the decisions	70
6.3.3 Sub-theme: Neighbours	73
6.3.4 Sub-theme: Friends	74
6.3.5 Sub-theme: Family support	76
6.3.6 Sub-theme: Protecting the kids	79
6.4 Theme: My responsibilities	82
6.4.1 Sub-theme: Leaving my home	82
6.4.2 Sub-theme: Separating	83
6.4.3 Sub-theme: Legal orders for protection	84
6.4.4 Sub-theme: Aftermath	85
6.5 Theme: Messages	86
6.5.1 Sub-theme: Messages for other women	87
6.5.2 Sub-theme: Messages for the justice sector	89
7. Part One: Knowing her history	94
7.1 Theme: Taking history into account	94
7.1.1 Sub-theme: Understanding the dynamics	94
7.1.2 Sub-theme: Specialisation	95

7.1.3 Sub-theme: The role and value of advocates	96
7.2 Theme: Fear	99
7.2.1 Sub-theme: Risk of retaliation.....	99
7.2.2 Sub-theme: Intimidating court proceedings	99
7.3 Theme: Blame	102
7.3.1 Sub-theme: Responsibility and guilt	102
7.3.2 Sub-theme: Pressure to rescue	103
7.4 Theme: Protecting the kids	103
8. Part Two: Court and other legal interventions	105
8.1 Theme: Statements for court	105
8.1.1 Sub-theme: Reliable safety assessments.....	105
8.1.2 Sub-theme: Benefits of collaboration for victim safety	106
8.2 Theme: Going to court	107
8.2.1 Sub-theme: Only if necessary.....	107
8.2.2 Sub-theme: Love and fear	108
8.2.3 Sub-theme: Evidence from defended hearings.....	109
8.2.4 Sub-theme: Safety measures	111
8.2.5 Sub-theme: Delays and judicial monitoring.....	113
8.2.6 Sub-theme: Delays and defended hearings.....	114
8.2.7 Sub-theme: Making the decisions.....	116
8.3 Theme: Chances to engage in change programmes	117
8.3.1 Sub-theme: Consulting her	117
8.3.2 Sub-theme: Sentenced to change	118
8.3.3 Sub-theme: Paying for it	119
8.3.4 Sub-theme: Taking their time.....	120
8.4 Theme: Chances to stop re-offending before imprisonment	122
8.4.1 Sub-theme: The path to prison	122
8.4.2 Sub-theme: Protection from orders.....	122
9. Part Three: Other safety considerations.....	125
9.1 Theme: Meeting the needs of immigrant victims.....	125
9.1.1 Sub-theme: Limited community services	125
9.1.2 Sub-theme: Accounting for cultural difference	126
9.1.3 Sub-theme: Obstacles to safe intervention	128
9.2 Theme: Safety and sentencing	129
9.2.1 Sub-theme: Imprisonment	129
9.2.2 Sub-theme: Home detention.....	132
9.2.3 Sub-theme: Community work	132
9.2.4 Sub-theme: Fines	133
9.2.5 Sub-theme: Section 106	134
9.2.6 Sub-theme: Same day sentencing.....	136
10. Addressing the aims of the Waitakere Family Violence Court.....	138
10.1 The meanings of harm for victims.....	138
10.2 The meanings of protection and safety for victims	140
10.3 Overcoming delay and minimising damage	143
10.4 A holistic approach and specialisation	144
10.5 Victim safety and offender accountability.....	146
10.5.1 Community Victim Services Advocates	147
10.5.2 Protection and policing	150
10.5.3 Protection and legal orders.....	151
10.5.4 Safety and sentencing	152

10.5.5 Accountability and respect.....	153
10.5.6 Community based offender treatments and programmes.....	154
11. Improving victim safety from the point of view of victims themselves.....	156
11.1 Summary: How the WFVC enhances victim safety.....	157
References.....	158
Appendix A: Protocols Relating to Family Violence Court at Waitakere District Court.	164
Appendix B: Interview Schedules for women victim participants and advocate key informant interviews.....	171
Appendix C: Information Sheets and Consent Forms for women victim participants and advocate key informants.....	175

List of Illustrations

Table 1: Superordinate and Subordinate Themes: Analysis of Victim Participant Interviews.....	26
Table 2: Superordinate and Subordinate Themes: Analysis of Advocate Participant Interviews.....	28

Executive Summary

E.1 Background

E.1.1 The current study

This report was commissioned by the Ministry of Justice. It presents the third study in a programme of evaluative research being conducted by the researchers in collaboration with stakeholders in the Waitakere Family Violence Court (WFVC).

The aim of this study is to describe the experiences of some women victims who have been involved with WFVC processes because of their partner's violence against them. We are particularly interested in how the WFVC processes affect safety outcomes for victims and their families.

E.1.2 The Waitakere Family Violence Court

WFVC processes are regulated by a set of protocol documents that are the outcome of a longstanding collaboration with Waitakere Anti-Violence Essential Services (WAVES): a network of community service organisations responding to family violence in the Waitakere district. The WFVC in collaboration with WAVES have developed innovative practices that place the best interests of victim safety and family relationships at the heart of dealing with criminal justice responses to violent offences.

At the WFVC there are long standing traditions of:

- Involving community victim advocates (CVS) within the court to support victims of family violence;
- Granting speaking rights to CVS advocates so that victims can be represented in court proceedings;
- Fast tracking family violence matters before the court so that victim safety is not compromised by systemic delays in court proceedings.

These traditions are shared with some Specialist Domestic Violence Courts (SDVCs) internationally, and continue to be honoured by the collaboration between WFVC and WAVES.

The current protocol documents (2005) that regulate the WFVC's co-ordinated community and criminal justice response aim to:

- Overcome systemic delays in court process
- Minimise damage to families by delay
- Concentrate specialist services within the court process
- Protect the victims of family violence consistent with the rights of defendants
- Promote a holistic approach in the court response to family violence
- Hold offenders accountable for their actions

E.1.3 Research questions

The current research addresses specific research questions (Section 3.2) based on our intent to understand the diverse ways in which the WFVC protocols affect safety for victims. Evaluative criteria for assessing the aims of the court from victims' points of view are based on:

- the current literature on best practice in SDVCs internationally;
- the aims of the WFVC and,
- the goals of Te Rito: New Zealand Family Violence Prevention Strategy (MSD, 2002), and the commitments of the Taskforce for Action on Family Violence (MSD, 2006).

Issues that are addressed by the study include (but are not limited to):

- how the ongoing character of the relationship between the victim and offender affects co-operation with prosecution
- how police policies and practice are related to victims' safety during the WFVC process
- how the holistic approach taken in the WFVC influences women victims' experiences of safety
- evidence of advantages for co-ordinated inter-agency responses to violent offences from the point of view of victim safety
- how information flow between collaborating agencies affects victims' safety
- how women understand accountability and the efficacy of community based offender services to which their partners were referred in relation to their safety

E.2 Methodology

E.2.1 Our research approach

Since this study aims for an understanding of victims' experiences of safety our methodology is developed within an epistemological framework that emphasises knowledge as *understanding*; takes account of the *specificity* of experiences; and honours the integrity of *experience* from the point of view of research participants. Our methodology also places safety as the central consideration in the ethical conduct of the research.

E.2.2 Our data and analysis

We use Interpretive Phenomenological Analysis (IPA) to thematically analyse two sets of data:

- Interviews with nine women victims whose partners pleaded guilty to intimate violence offences within the WFVC, were convicted and sentenced to "come up if called upon" for re-sentencing. This is the most common sentence passed at the WFVC.
- Interviews with three key informant advocates who had between five and fifteen years of experience working with victims in CVS organisations collaborating with the WFVC.

IPA identified superordinate and subordinate themes in all participants' accounts and the content of these themes was used to address how well the WFVC protocol is working to meet its aims from the point of view of victim safety. The superordinate themes identified were saturated after six interviews were analysed, suggesting that the findings are robust despite the small number of participants involved in generating the data.

E.3 Findings: Victim interviews

E.3.1 Before the arrest

We identified two superordinate themes providing evidence that all women victim participants had experienced ongoing patterns of violence against them in their relationships with their partners and were significantly affected by psychological and social abuse.

The women's accounts of their experience of historical violence included evidence of their partner's drug (mis)use, and access to weapons was a consideration in some victim participants' assessments of their risk of harm. Some participants reported previous incidents where the justice sector intervened in their relationship. Mental health issues were associated with events for which some of the women's partners had been arrested. The emotional, psychological and social consequences of the dynamics of intimate violence inhibited women victims' likelihood of reporting violent incidents and maintained their partners' control over the women's behaviour and resources.

In this section we found that:

- The arrest of the women's partners took place in a context where they were already living in fear of their partners' capacity to harm them;
- The women carried the burden of social responsibility for protecting themselves and their partners from the consequences of being identified as victims and perpetrators of intimate violence;
- The emotional turmoil of ongoing patterns of violence provided a context of psychological trauma in which the women were controlled by their partner prior to his arrest.

E.3.2 Arrest and court proceedings

We identified four superordinate themes providing detailed information on the women participants' experiences of the WFVC and the agencies involved in its collaborative response. The women were represented in court proceedings by CVS advocates who provided the court with information about the women's safety and provided the women with information about their partner's prosecution.

In this section we found that:

- Women participants felt protected by CVS representation in court proceedings because of ongoing emotional and physical risks to their safety posed by their partner's continuing violent behaviour. Their partners had often threatened them immediately after arrest, and in some cases re-offending was more physically dangerous to the women when the criminal justice system had recently intervened.
- Participants who engaged most fully with the CVS follow up were also well supported in understanding the court procedures and the meaning of the various stages in the court process. With clear information they were more able to keep themselves safe because when they understand bail or sentencing conditions they also understand their rights to police protection when their partners breach bail or otherwise re-offended.
- Re-offending was the most serious concern of the women in relation to delays in court proceedings and the responsibility for these delays lie with the women's partners.

They were not consequences of systemic delay in WFVC processes and there was no evidence that delays resulting from judicial monitoring of their partner's compliance with court referrals to offender programmes were of concern to the participants.

- Re-offending occurred subsequent to their partner's first appearance in court and breaches of bail conditions did not result in subsequent arrests even on occasions when women called police, sometimes repeatedly. This finding suggests a need for tighter monitoring of bail conditions.
- Participants reported that their partners were not motivated to engage in community treatment and intervention programmes and often responded to the programme with anger or violence against them. Even when physical violence ceased, emotional and psychological violence did not.

E.3.3 After court

We identified five superordinate themes providing detailed information about how the women's experiences of WFVC intervention affected their safety after court proceedings. The first two superordinate themes concerned the immediate consequences of their partner's prosecution. The third and fourth themes involved the participants' reflections on the whole of the process and its long term consequences. In the final theme, participants took the opportunity provided by the research interview to pass on messages to other women victimised by their partner's violence, and to the criminal justice sector.

Immediately following their partners' cases in the WFVC re-offending and social burdens of responsibility for keeping themselves and their families safe became intensely troubling. CVS advocates who had supported the women through their partner's prosecution process were able to continue supporting them, and shared some of the practical responsibilities for developing and executing safety plans. At this point, directly after the criminal justice intervention, familial, social and community relationships become critically important to the safety of the women and their children.

In relation to these two themes we found that:

- Even though their partner's prosecution and sentencing through the WFVC had held him accountable to the court for a specific violent incident, it had not successfully held him accountable for changing the pattern of his ongoing violence within his relationship. His ongoing, abusive behaviour remained the central concern for participants.
- The participants used a variety of strategies to resist their partner's violence including calling the police, complying with their partner's requests, or refusing consent to contact. In spite of these strategies they were often unable to prevent unwanted contact or avoid violent incidents. They were aware that they carried a burden of responsibility for ensuring that legal orders for their protection are effective at the same time that they are managing the effects of their partner's violence on their everyday life.
- Although the participants did not experience a change in their partner's violent behaviour, the processes of the WFVC enabled them to engage with CVS services that provided ongoing support in sharing their responsibilities for their own safety.
- Participants made use of other forms of legal protection, including Protection Orders and Trespass Orders. These orders were more effective after court proceedings than non-association bail conditions had been at the time.

- Although for the most part participants did not report substantial positive changes resulting from community based offender treatment or intervention programmes, they maintained hope that effective interventions could be realised if offenders engaged in interventions with genuine intent to change.

In the themes reflecting back on the whole of the women's experiences we found:

- The women understood that silence served to protect them from social harm or from the psycho-social implications of their partners' violence; but it did not protect them from the harm their partners perpetrated.
- While disclosure to CVS advocates is often possible and highly valuable to those women who engaged with advocacy services, there are situations in which women do not disclose violence for fear of further harm.
- When the women were required to take responsibility for their partner's arrest they are left vulnerable to retaliatory violence.
- Sometimes women are explicitly asked if they want the police to remove their partner when he is present at the time of a violent incident or breach of legal orders. The expectation that she will co-operate with such requests burdens her with responsibility that also endangers her safety in the context of ongoing threats and intimidation and her fear of retaliation.
- Issues arose for immigrant women when neither the police nor the court understood specific cultural meanings of violence. Sometimes they carry an additional burden of victim-blaming due to lack of specialist knowledge on culturally diverse manifestations of intimate violence.
- Neighbours, friends and family members contributed importantly to whether victims' responsibilities for keeping themselves safe were well supported by others. Active support for victims involved practical and emotional assistance in responding to intimate violence, including reporting re-offending to police. Participants took responsibility for the stigma attached to victimisation and the shame and blame of intimate violence by not telling family and friends about it, or isolating themselves because they felt that they were a liability or a burden. When families supported the women, immediately and in the long term, they created conditions that enabled victim safety.
- Participants who had children were preoccupied with protecting them and managing their safety. Issues related to children thematically recurred throughout their interviews.
- When no intervention was able to hold men accountable for stopping their violence, women participants took responsibility for separating, and if necessary and feasible, for relocating themselves and their children away from their (ex) partner.

In the final theme, the messages that women participants passed on to other women affirmed their most positive experiences of the WFVC. They advised others to:

- seek help and be honest in disclosing violence in their relationships,
- say 'no' to violence in their homes and make it a clear boundary,
- use Community Victim Services to plan and execute safety strategies and to gain specialist support for understanding the dynamics of intimate violence,

- use the support of the criminal justice system and be consistent in reporting offences,
- find encouragement from other women who have taken a stand against violence in their relationships.

In their messages to the criminal justice sector the women advised that:

- Offenders needed to be more closely monitored and removed when they were known to re-offend. Effectively holding offenders accountable meant that their need for their partner to be removed when he is abusive would be swiftly and consistently acted on by agents of the criminal justice system.
- Although inter-agency information for judicial monitoring, and policing bail conditions may need to be improved this does not necessarily imply harsher sentencing. In their discussions of their partners' accountability for his violence women participants did not seek harsher sentencing for the sake of punishment. They understood that imprisonment was unlikely to work to resolve the underlying problems of violence in their relationship though it may sometimes be necessary to protect them from immediate harm.
- As a whole, the justice sector needed to be more supportive of victims. The WFVC is attempting to address violence in intimate relationships seriously, and CVS are doing all that they can to support victims within the constraints of their current resources. The whole sector and all the agencies that are responding to family violence need to systematically prioritise victim safety and work together with the WFVC and community organisations so that offenders are effectively held accountable for stopping their violence.
- Sharing the burden of responsibilities for protection and safety with others in their communities, as well as agents of the justice sector, is necessary for women victims to be safer and manage the consequences of living through intimate violence.
- The justice sector needs to consistently take account of the way in which the offender's control over the victim affects their ability to cooperate with legal interventions. Specialist knowledge of the dynamics of intimate violence is needed to understand the limitations that ongoing psychological abuse imposes on the contributions that victims are able to make to criminal justice interventions.

E.4 Findings: Key informant advocate interviews

The analysis of key informant interviews resulted in ten superordinate themes organised in three parts related to specialist knowledge of victims' histories of violence in intimate relationships; victim safety during court proceedings and in relation to other legal interventions; and culturally specific safety needs.

E.4.1 In support of women victims' experiences

In the first two parts, themes supported and supplemented the evidence provided by women victim participants in relation to:

- The importance of specialist knowledge in the dynamics of intimate violence to assist with appropriate criminal justice responses.
- The importance of effective and rapid information flow among collaborating agencies in criminal justice interventions to respond to ongoing violence.

- The importance of independent community based victim advocacy within the WFVC.
- The critical importance of CVS representation of victims during court proceedings to provide protection from threats and retaliatory violence. Advocates experiences of supporting women whose partner's pleaded not guilty and whose cases proceed to defended hearings confirmed women victim participants' fears of court attendance as a risk to their emotional and social safety and a potential risk for retaliatory physical violence.
- The need for the WFVC to have reliable safety assessments of victims that cannot be provided if proceedings are so hasty that attention cannot be given to victim's circumstances and needs for protection.
- The need for victims to be supported with the burden of responsibility for protecting themselves and their children, especially in the context of social relationships that support their partner's violence.
- When monitoring offenders referred to treatment or intervention programmes, the Judiciary of the WFVC need to scrutinise the engagement of the offender in the programmes to which they have been referred. It is not adequate for victim safety if the court only monitors attendance and completion.

E.4.2 Other safety considerations

In the third part of the key informant interview analysis, advocates provided additional information concerning victim safety. They discussed the needs of immigrant women as a particular concern for community and criminal justice responses to intimate violence. Findings in relation to this theme were:

- In the context of a growing population of immigrants and refugees in Waitakere, the provision of culturally specific specialist support services is an urgent need.
- Interagency collaboration to build specialised service capacities for immigrant and refugee women is essential to their success.
- Government funding specifically designated to assist immigrant women victims of intimate violence is urgently needed.

The second theme was concerned with safety considerations related to women victims whose partners received other sentences within the WFVC. In relation to this theme findings were:

- Imprisonment can be associated with increased risk to the women's safety when they re-engage in their relationship with their partner through the contact that is established for visits. Longer prison sentences do sometimes provide women with opportunities to live free of physical assault for long enough to realise the benefits of being separated from their partners. Shorter sentences were more likely to result in re-engagement and compliance with his control in anticipation of his release. Shorter sentences also meant that offenders had less opportunity to reflect on their behaviour or engage with change opportunities available through correction services.
- Home detention should not be considered an appropriate alternative to prison for intimate violence offences for the obvious reason that it exposes victims to greater risk of harm if they are co-habiting with their partner. It requires them to take responsibility for their own protection.

- Community work sentences have potential to burden the women with additional responsibilities, such as sole childcare or managing weekend work commitments, so that the offender could complete his sentence.
- Fines are inappropriate because carry the implication that the offence is “lower level” in terms of seriousness, and may have implications for economic hardship within the family.
- The advocates noted, with appreciation, that imprisonment, community work and fines are relatively rarely used as sentences at the WFVC and the judges currently at the WFVC understand how these sentences may affect victims’ safety or undermine the message that the court takes family violence offences seriously.
- Section 106 discharges without conviction are troubling because they do not result in any recorded conviction against the offender which could be relevant to other court matters or subsequent cases involving re-offences. Advocates understood that sometimes these sentences were appropriate in view of the consequences of conviction in particular cases, and that they provided a clear incentive for defendants to plead guilty. However, they risked sending a message that the offence was relatively insignificant and that the court did not take it seriously enough to keep it on record, as well as minimising the ongoing pattern of violence against the victim.

E.5 Addressing the aims of the Waitakere Family Violence Court

In the final section of this report we consider how the findings of the thematic analyses of participants’ interviews bear on the successes and challenges of the WFVC protocols in meeting their aims.

E.5.1 Understandings of harm, protection and safety

To contextualise the discussion of the WFVC’s successes and challenges we report on the ways in which women participants’ understandings of harm, protection and safety shift throughout the process of their involvement with the criminal justice sector’s intervention into their most intimate relationship. The meanings of harm, protection and safety are not static for women participants and their assessments of how well the WFVC’s protocols work with regard to victim protection and safety are flexible in relation to how they understand their own needs in specific contexts, at different times, and in relation to a wide range of issues that affect their personal, family and community relationships.

E.5.2 Overcoming delay and minimising damage

The focus on delay is based on the understanding that procedural delays provide offenders with increased opportunities to assault, coerce, manipulate, threaten or intimidate victims before they are convicted and sentenced by the court. Findings in relation to the aims of overcoming systemic delays in WFVC process and to minimise damage to families by delay were:

- Issues related to systemic delay were different in the case of guilty and not guilty pleas before the court. In the case of not guilty pleas, where defended hearings are possible outcomes of the prosecution process, time delays may provide the offender with opportunities to re-establish control over their victim for the purpose of coercing retractions and avoiding conviction.

- The WFVC strategy of coercing guilty pleas effectively acts to protect victims from the potential harms of defended hearings. The risks associated with defended hearing delays are not relevant to women whose partners enter guilty pleas to take advantage of sentencing leniency.
- There is no evidence from this study that the delay between arrest and sentencing involved with judicial monitoring of cases involving guilty pleas has a negative effect on women victims' safety.
- Delays caused by re-offending are clearly connected to damaging families and need to be taken into account when addressing the complexities of damaging delays in criminal justice interventions.
- Providing resources to manage delay when volume is expected to increase is critically important to the court's ability to meet its aim of minimising damage to families by delay.
- Same day sentencing inhibits the provision of reliable information about victim safety to the court. When disposal times are valued more highly than victim safety then overcoming delay fails to address the aims of holding the offender accountable and protecting his victim.

E.5.3 A holistic approach and specialisation

Promoting a holistic approach that responds to intimate violence in relevant social and cultural contexts involves understanding the issues of family violence as more broad than criminal justice issues. Specialisation is concentrated in the WFVC so that these understandings are well grounded and shared within the inter-agency collaboration of the court.

In meeting the aims of concentrating specialist services within the WFVC process and promoting a holistic approach in the court response to family violence we found:

- The women victims' accounts of events that brought them to the WFVC emphasised the holistic context of their partner's violence against them and disclosed ongoing patterns of violence such as those that define family violence in the Domestic Violence Act (1995). Their experiences justify the WFVC aim with regard to specialisation so that appropriate knowledge is available to address the particular character of intimate violence.
- Specialist community victim advocacy is particularly crucial within the WFVC because women who have access to CVS are able to engage with follow up services to plan for their safety within their community.
- Despite histories of ongoing violence within their relationships, women victim participants were not protected persons under the Domestic Violence Act (1995) at the time their partners were prosecuted at the WFVC. The WFVC's aim of taking a holistic approach in responding to family violence may be better served by ensuring that all victims involved with cases before the court are granted appropriate Protection Orders alongside the imposition of non-association bail conditions.
- Since specialist understandings are crucial in situations where offences are embedded in an ongoing pattern of violence against a particular victim, specialist training and specialised roles within the criminal justice system need to be consistent with specialisation in the community to maximise the potential effectiveness of co-ordinated responses.

E.5.4 Victim safety and offender accountability

The aims of protecting the victims of family violence (consistent with the rights of defendants) and holding offenders accountable for their actions are central to the intention of the WFVC protocol for effective inter-agency responses to family violence. In relation to these aims we found:

E.5.4.1 Protecting victims

Findings in relation to the aim of protecting victims were:

- The heart of the WFVC strategies for protecting victims is the involvement of CVS advocates in the court.
- Advocates provided critically important information flow between themselves and the court to enable safety planning.
- Advocates representation of victims in court is crucially important to relieve victims of the burden of responsibility associated with being involved with court proceedings themselves.
- Victim protection at court needs to take account of practical safety measures such as security services for escorting victims to and from court; screens to protect them from seeing and being seen by their partner and entrances and exits that protect them from potential and real threats from their partner's family and associates.
- Follow up services provided by CVS advocacy and ongoing social support are highly valued by women victims to enhance their safety.
- Victims were often blamed by the perpetrator, their families and friends for his violence and for his arrest and prosecution. This finding demonstrates the urgent need for ongoing actions to change social attitudes and behaviours that support violent offending as advocated by the Taskforce for Action on Family Violence (MSD, 2006).
- Police and CVS were involved with responsibilities for protecting women participants in this study. When police took responsibility for the arrest victims were relieved of the burden and better able resist their partner blaming them for it. This served to make them emotionally safer from fear of retaliation.
- Participants often felt safer when police refused to allow them to change their statements under the coercive influence of their partners or when others called the police because it was unsafe for them to do so.
- Non-association orders were not effective in protecting victims from further harm because their partners did not respect their bail conditions.
- Failure of bail conditions to provide protection draws attention to the need for inter-agency co-ordination to be effectively resourced to provide more accurate and up-to-date information for judicial monitoring and policing compliance with bail conditions so that victim safety is improved following an initial arrest.
- Advocate key informants considered that change programmes were most likely to improve women's safety when both offenders and the women are consulted and supported throughout the change process. When victims are not consulted they are less likely to have necessary opportunities to prioritise their own safety. Women participants reported little positive change in their safety as a result of their partner's attendance at treatment or intervention programmes.

- Women participants believed that involvement with justice sector interventions could still be effective in achieving changes in safety especially in the long term even though they experienced ongoing threats to their safety for some time after their partner's conviction at the WFVC.
- Despite re-offending that did sometimes result in arrest, none of the women participating in this study made reference to using their partner's sentence as a strategy for enhancing their safety. Agencies involved did not co-ordinate well enough to ensure that re-offending resulted in re-sentencing to hold the offender accountable for ongoing violence.
- Convictions in the WFVC were important to women's emotional safety because they provided relief from fears associated with losing custody of their children.

E.5.4.2 Offender accountability

Findings in relation to offender accountability were:

- The partners of women participants in this study were not held accountable for breaching bail conditions. The women sought a form of accountability that would enable their partner to be removed when he repeatedly breached bail to relieve them of the responsibility for managing his continuing controlling, abusive and violent behaviour. They did not, however, suggest that imprisonment was an appropriate way to hold men accountable for intimate violence.
- To ensure that women's hopes for genuine change in their partner's violent behaviour are founded on expectations that can be realised by community based offender treatment and intervention programmes, evaluations are needed so that effective motivational strategies can be developed to maximise the potential for coercing change.
- The WFVC is relatively successful at holding offenders accountable to the court through coercing guilty pleas and obtaining relatively high conviction rates. It is also relatively successful in holding offenders accountable for complying with referrals to attend and complete community based treatment and intervention programmes. However, on the basis of evidence from women victims' and advocates' experiences, the WFVC does not successfully hold offenders accountable to victims for changing their violent behaviour.
- Sentencing leniency as a strategy for coercing offender engagement in change programmes needs to take account of the offender's ongoing risk to his partner's safety and the safety of her family. If re-offending and bail breaches can be better monitored by all those engaged in a co-ordinated response, including CVS, police and offender service providers, then judges may have greater opportunity to lend their symbolic authority to the seriousness of the offender's ongoing pattern of violence throughout the process of judicial monitoring.

E.5.5 Improving victim safety

To draw this research to a close we turn to women victim participants' suggestions for improving victim safety. Suggestions related in this section were:

- The development of a closer relationship between the District Court and the Family Court so that matters of child custody and property settlement were not dealt with in isolation from matters of criminal offending, and ongoing systematic abuse.

- A wider adoption of modified court processes which allow victims to have easier access to support without the necessity for them to face their abusers in court – such as that available when defendants plead guilty at the WFVC.
- Provide more extensive, accessible and ongoing victim services that pay more attention to the needs of victims generally.
- Extend and develop specialist services because they are essential to effective interventions that enhance women's safety, both within the processes of legal intervention and beyond.
- Agencies involved in collaborating to maximise victim safety need to take account of the specific needs of victims for safe communication media: letters and pamphlets are often not safe means of communication with victims.

From the women participants' point of view the whole of the justice sector needs to be more supportive of victims. This support extends to supporting the services that were offered by CVS advocates and the attempts that the WFVC was making to enhance victim safety through a coordinated interagency response to intimate violence.

1. Introduction: The current study in context

The Waitakere Family Violence Court convenes weekly within the Waitakere District Court. It involves professional, government and community agents in a dynamic process of coordinated response to family violence offences. The unique practices of the WFVC are regulated by protocols that have evolved since 1992. The aims of the current protocol (Protocols Relating to Family Violence at Waitakere District Court, 2005) are:

1. To overcome systemic delays in court process
2. To minimise damage to families by delay
3. To concentrate specialist services within the court process
4. To protect the victims of family violence consistent with the rights of defendants
5. To promote a holistic approach in the court response to family violence
6. To hold offenders accountable for their actions

To meet these aims the protocol of the WFVC must be effective from a variety of different vantage points: from the perspectives of victims¹ and their families, the Judiciary and court administration, and also from the perspectives of community organisations, lawyers, police and Community Probation Service. This report constitutes the fourth research project in a series of studies aimed at evaluating how the aims of the WFVC's protocol are met from various perspectives. In this research, we aim to describe the experiences of some women victims who have been involved with the WFVC as a result of their partner's offences against them, including the degree to which they felt safer as a result of this involvement. In particular, the focus of this research is to identify positive and negative safety outcomes for victims and their families.

This report begins with a brief introduction to the WFVC and its social context. This study focuses on the safety of women victims of intimate partner violence within this specific context. Following the introductory background, we present our methodology for addressing the research questions and our analysis of the accounts we heard about the lived experience of safety from women whose partners had been sentenced to come up if called upon as a result of family violence offences prosecuted in the WFVC. This sentence was chosen on advice from the Judiciary at Waitakere because it was the most common sentence handed down in the court during 2006. In cases where offenders have pleaded guilty they have been provided with opportunities to engage in interventions aimed at addressing psycho-social problems underlying their offending behaviour. The Judiciary monitors their progress through the interventions so that an assessment of the WFVC's aims in relation to this sentence will also assess the court's process of monitoring. Key informants who had experience of advocating for women victims within the WFVC and had worked with the Waitakere protocol for at least five years were also included in the study. They provided information based on their working experience with women victims whose partners had not been convicted in the court, or had

¹ For the purposes of this report we use the term 'family violence' to be consistent with the language used in the protocols relating to the Family Violence Court at the Waitakere District Court. The terms victims, offenders and defendants have been used in the report to be consistent with the language used in the protocols relating to the Family Violence Court at the Waitakere District Court.

other sentences as a result of their conviction. Key informant interviews supplemented the evidence provided by victim participants to enable a broader view of women victims' safety throughout their engagement with the WFVC.

2. Background: The WFVC and its social context

2.1 The social context in Aotearoa/New Zealand

Family violence is an increasing problem worldwide and has been described as an epidemic in Aotearoa/New Zealand (Hand, 2001). Because family violence takes multiple forms, including psychological, emotional, economic, physical and sexual abuse, and because these forms of abuse are interconnected, the complexity of family violence is difficult to define, explain or measure. The majority of statistical analyses focus on family violence against women by their intimate partner. This is not the only recognised type of family violence however it is the most researched because of its prevalence (New Zealand Family Violence Clearinghouse, 2007).

The seriousness and the gendered specificity of violence within intimate relationships were first brought to attention in the 1970s when the problem was commonly referred to as 'wife battering'. The terms 'domestic violence' and 'intimate partner violence' have also been used to refer to the same phenomena. 'Domestic violence' sometimes includes violence against children within a household, but its most common meaning is specific to heterosexual partner violence.

In the late 1970s, women's refuges were established in Aotearoa/New Zealand (Hann, 2001). The refuge movement emerged from the activities of the women's movement and advocates for victims of rape and domestic violence. Social and legal reform has largely been influenced by the advocacy and lobbying of community organisations, like refuge and rape crisis, and community responses to family violence emerged earlier than legislative and government policy responses. Alongside these movements were also political, social and academic movements of Māori protest at Crown treatment of te Tiriti o Waitangi/the Treaty of Waitangi.

The Domestic Protection Act was introduced in 1982 as the first legislative response to domestic violence in Aotearoa/New Zealand (Graham, 1995). It was intended to address the protection of those involved in 'domestic disputes' through a quasi-criminal strategy that enabled the police to arrest without needing to lay charges (Webb et al, 2001). Three years later the National Collective of Women's Refuges' coordinator and a New Zealand police inspector organised a conference on family violence. A partnership emerged between government and non-government organisations called the Family Violence Co-ordinating Committee which was established to facilitate and co-ordinate national interagency responses to family violence.

Also by the mid-1980s the Labour Government had begun the process of placing Māori concerns "firmly on the policy agenda" (Wilson & Yeatman, 1995, p.xv) and te Tiriti/Treaty became a pivotal document in policy reform (Campbell, 2005). Tino rangatiratanga, "Māori control and Māori management of Māori resources" (Te Puni Kōkiri, 1994), remains a clear goal for Māori communities especially in seeking justice interventions.

In 1991 the Family Violence Co-ordinating Committee was responsible for introducing the Duluth Abuse Intervention Project from Minnesota, USA as a community response to reducing occurrences of family violence. The Duluth project became a model for the establishment of the Hamilton Abuse Intervention Pilot Project (HAIPP) as the first collaborative and coordinated response to domestic violence in Aotearoa. Among other projects that emerged after HAIPP

was established, (for example, DOVE in Hawke's Bay or The Hutt Family Violence Prevention Network), was the Waitakere Anti Violence Essential Services (WAVES) (Pond, 2003).

By the early 1990s an estimated prevalence rate for domestic violence commonly agreed by service providers in Aotearoa/New Zealand was 14% (Snively, 1994). The New Zealand Safety Survey (Morris, 1997) estimated that 44–53% of New Zealand women had experienced psychological abuse in the previous twelve months. 15-21% of women had experienced physical abuse. The lifetime prevalence rate for physical and/or sexual abuse was estimated at 15-35%. Leibrich, Paulin and Ranson's (1995) study of men's self reports of abusive behaviour towards their partners reported lifetime prevalence rates of 35% for physical abuse and 62% for psychological abuse. More recent evidence from clinical population studies put lifetime prevalence at between 44.3% and 78% (Fanslow, 2005). In 2006 Women's Refuge provided services to 16,738 women and 12,107 children (National Collective of Independent Women's Refuges, 2007). Over half the murders in New Zealand are the result of domestic violence (New Zealand Family Violence Clearinghouse, 2007).

On the first of July 1996 the Domestic Protection Act (1982) was replaced by the Domestic Violence Act (1995). This Act recognises the changing nature of relationships and takes account of the variety of situations and circumstances where domestic violence can occur (Busch & Robertson, 2000). Multiple forms of domestic violence are also recognised as unacceptable. The Act provides a legal framework for protective action (Butterworths, 2000) that involves empowering courts to make orders for protection, enabling access to the courts in a simple and time effective manner, providing programmes for victims of violence, providing mandatory programmes for perpetrators of violence, and providing sanctions and enforcement mechanisms for breaches of orders that protect victims from further harm.

The term 'family' violence is consistent with the more broad definitions of domestic relationships included in the Domestic Violence Act (1995) (Busch & Robertson, 2000); heterosexual or same sex partners, family or whānau members, household members or people in a close or domestic relationship, such as flatmates. But the use of such generic terms for family violence mask the social context in which the anti-domestic violence movement originated (Stewart, 2004), and represent a gendered social problem as if it were gender neutral. While it is clearly the case that women *can* be violent to male partners, women's violence is often self-defence, and does not usually result in the same degree of hurt and injury, as does men's violence to women (Ritchie, 2005). Men are more likely to be the perpetrators of intimate partner violence, and women are more severely affected by partner abuse than men (New Zealand Family Violence Clearinghouse, 2007). Women are more likely to be the perpetrators of physical punishment of children, but men are more likely to perpetrate physical violence that leads to serious or fatal injury of children (New Zealand Family Violence Clearinghouse, 2007; Ritchie, 2005). Barwick, Gray, and Macky (2000) established that the majority of applicants for protection orders in New Zealand were women (92%) and the majority of respondents were men (92%). Respondents were most frequently (80%) the applicant's current or previous partner and the vast majority of partner relationships were heterosexual. Few changes in these statistics were reported in Barlett's (2006) publication of Family Court Statistics. Intimate partner violence against women is strongly linked to violence against children, homicide, suicide, health and mental health morbidity. There is a substantial overlap between the occurrence of child abuse and partner abuse in families, with up to 60% of families who report one type of violence also experiencing the other type of abuse (Fanslow, 2002). Of the families where partner abuse is perpetrated 30-75% will also have child abuse occurring. International and national research findings indicate that child abuse is more likely in homes

where mothers are abused by their partners (Bennett et al., 1999; Ritchie, 2005; Ross, 1996). Police attended 46,682 family violence incidents in 2002/3, and around 55,000 children were present at those incidents (New Zealand Family Violence Clearinghouse, 2007). By 2006 New Zealand Police reported 63,385 family violence offences (New Zealand Family Violence Clearinghouse, 2007)². Violence against women partners significantly affects the well-being of predominantly women and children and thus constitutes the core of family violence.

The term family/whānau violence is sometimes used in reporting family violence prevalence research in Aotearoa/New Zealand, and we are mindful of the critique offered by the Second Māori Taskforce on Whānau Violence (2004). They remind us that the concept of whānau does not simply translate to the Pākehā concept of family. In relation to whānau violence, they suggest that “the assumption in making whānau violence criminal and therefore punishable is that rehabilitation may only occur after punishment, not as an immediate alternative to whānau violence” (p.17). This assumption is based on dominant Western paradigms, and interventions from these perspectives do not necessarily facilitate change for Māori. The Western gender analysis that underscores services and interventions for victims does not necessarily enable the space for Māori concepts of wellness, for Māori women, to be engaged. The Māori Taskforce cites the example of ‘closure’ which “for Pākehā means severing the ties, but that cannot happen for Māori” (p.32). Māori have been seeking the space to develop legitimate models of intervention to eliminate whānau violence for some time (Second Māori Taskforce on Domestic Violence, 2004). We are concerned that such space is particularly limited in the context of collaboration within the justice system. The court is a tradition of the Tikanga Pākehā House (Bishop, 1999), and its principles and practices draw on monocultural customs that exclude Māori knowledge and values. Outside the sphere of the court, Māori communities are building culturally specific, co-ordinated responses to family violence.

Ten years after the introduction of the Domestic Violence Act (1995) and twelve years after the initial collaboration between WAVES and the Waitakere District Court, the Government established the Taskforce for Action on Violence within Families to advise the Family Violence Ministerial Team on strategies for improving responses to family violence (Ministry of Social Development (MSD), 2006). The Taskforce is an alliance of government and community agents, independent Crown entities and the Judiciary to achieve the shared vision of eliminating family violence in Aotearoa/New Zealand. It supports community interventions for preventing family violence through funding and resources and has established a nationwide local case co-ordination scheme to aid collaboration. The Taskforce has acknowledged the value of local, community-based interventions that have already been established and has clearly endorsed locally responsive strategies “so that we are developing services that engage particular communities, especially hard to reach families where violence is prevalent” (MSD, 2006, p.26). Within the framework of the Taskforce strategies, the WFVC provides a local model of collaborative responses that are already well established.

2.2 The Waitakere Family Violence Court

The Waitakere Family Violence Court emerged from within the Henderson District Court and was motivated by a desire to manage a system dealing with family violence weighed down by delay. Those who were working in the court noticed that delays in disposal of a case before

² The New Zealand Family Violence Clearinghouse Fact Sheet on family violence statistics (NZFVC, 2007) notes that official police statistics are from an operational database and subject to change as recording systems change. Changes in recording family violence statistics were expected to produce an observed increase in family violence subsequent to their introduction in 2005.

court inevitably meant less likelihood of perpetrators facing any legal sanction because as more time passed the victims were less likely to give evidence against their partner.

In 1992 a resident Judge of the then Henderson District Court persuaded the Mayor, the local Police Commander and a prominent Māori citizen to join her as trustees for a Community Trust known as WAVES (Waitakere Anti Violence Essential Services). This umbrella group provided a vehicle to co-ordinate community responses to family violence within Waitakere. There was also an Executive Committee responsible to the Trust Board with membership from various non government organisations (NGOs) including Women's Refuge. From this consultation with the community came an innovative approach through which family violence cases were put into a fast track process within the court, to minimise the likelihood that victims would withdraw evidence, along with the provision of advocacy and support services for victims and special programmes for offenders (Waitakere Family Violence Focus Group, 2005). It was agreed that a tradition giving victim advocates speaking rights in the WFVC would be established. Community involvement and victim advocacy was established as an integral part of the fast track system and continues to be crucial to the function of the WFVC in its current form as a problem solving court. Fast-track had an immediate effect; pleas of guilty rose from 15% to 65%, and an estimated 80% of victims were able to remain in the process through to the completion of their case (Johnson, 2005).

Unfortunately over time the fast track became the slow track again and in March 2001, Resident Judge Johnson called a meeting of stakeholders to consider ideas for addressing the problems associated with the delays in court. From this meeting the Family Violence Focus Group (FVFG) was established to put together the Family Violence Court Protocol which forms the basis of the WFVC as it runs today. A system was introduced whereby the opportunity to plea was not offered to defendants until they had the chance to cool off and take advice, typically one or two weeks after arrest. At the first hearing a "status-hearing" enquiry would take place and the defendant would be asked to plead. The court set aside a specific day each week to hear family violence prosecutions exclusively, and has undertaken to schedule defended cases within six weeks. Victim advocacy continued to be provided by non government organisations for the local community. This was, as it is now, not a special court process but a sequestration of time within the Summary Court, with a modified process within the authority of the Summary Proceedings Act 1957 (Johnson, 2005).

Considerable change occurred in 2002 when the Victim Rights Act (VRA) came into force and created victim advisors employed by the court. Their role was to provide information to victims but to remain neutral in the process. The VRA (2002) does not make any allowance for a third party to take up this role and having both court appointed victim advisors and Community Victim Services advocates in court presented some problems. The WFVC protocol was reviewed and updated in 2005 after these issues were identified, in particular clarifying the respective roles of court staff and Community Victim Services (CVS) for family violence victims, and how the court staff work with the community to enable those services to be provided at the WFVC. The current protocols relating to the WFVC consist of two separate but related protocol documents; The Waitakere District Family Violence Court Protocol and the Protocol for Family Violence Victim Services at Waitakere District Court (see Appendix A). Attached to the protocol documents is the Practice Note (1 Dec, 2004) issued by Chief District Court Judge in November 2004 which specifies 2 (plea), 4 (status hearing), 6 (defended hearing) week time frames for family violence matters before the District Court. Finally, there is a Family Violence (Not Guilty) pre-hearing checklist that is to be used to facilitate the quickest possible time frame for defended hearings. Within the WFVC protocols, victim safety is prioritised by the inclusion

of Community Victim Services advocates who have speaking rights within the court, restrictions on defence counsel contact with victims who are not in the company of CVS advocates, and aims that are directly concerned with enhancing victim safety. Safety is also prioritised by aiming to minimise damage to families that results from delays in court processes, and providing legal protection to victims.

2.3 Women victims' safety and criminal justice responses

To date, intimate partner violence has been the predominant focus of research on family violence (New Zealand Family Violence Clearinghouse, 2007). Having argued that violence against intimate women partners constitutes the core of family violence, the current study continues the tradition of focusing on gendered intimate violence on the understanding that violence among all family members may be reduced if responses to violence against women are effective.

Internationally, it is recognised that few victims of intimate violence report violent occurrences and fewer occurrences result in arrest and consequent criminal justice processes (Hirschel, Hutchinson & Dean, 1992; Hirschel & Hutchinson, 2003). Nonetheless, legal interventions are currently one of the few means available to victims for stopping violence (Holder, 2001). While in Aotearoa, Protection Orders provide an alternative to criminal justice interventions, they rely heavily on criminal justice processes to hold respondents accountable for any breaches of a victim's legal protection. Recent research by Robertson et al., (2007) reports that women participating in their study experienced repeated breaches of Protection Orders. Protection Orders were inadequately implemented in terms of achieving their potential for protecting victims. Effective criminal justice interventions are therefore critically important government responses to intimate and family violence.

Historically, criminal justice interventions have trivialised violence in intimate relationships. Police have acted as mediators between victim and perpetrator rather than making an arrest. Even if a perpetrator was arrested cases were often dismissed by police prosecutors. If a case did proceed as far as sentencing, then men who assaulted their intimate partner were likely to be "treated with more lenience than those who assaulted strangers" (Bennett et al., 1999, p.761). In the United Kingdom fines continue to be a popular sentence for domestic violence cases (Cook et al., 2004). Fines are rarely used as sentences for stranger assault, and when used as sentence for intimate assault they minimise the culpability of the offender. When criminal justice interventions aim to send the message that the Government is taking intimate violence seriously, then a consistent approach to overcoming the legacy of trivialisation is necessary. It is also necessary for courts to respond to dangers that are posed to victims when the justice system intervenes in their most intimate relationships.

Recent research has indicated that the process of seeking legal help can put women at risk of violent re-offending in the Waitakere district (Coombes, Morgan & McGray, 2007). Internationally, research on recidivism in intimate partner violence provides complex, ambiguous findings. While there has been no clear evidence supporting the notion that arrest and prosecution is a predictor of revictimisation alone, they do appear to be significant variables amongst a number of factors that are related to revictimisation (Cattaneo & Goodman, 2005). Conviction and sentencing do not necessarily keep women safe either. In their study, Bennett et al., (1999) found that 20% of victims had been revictimised within three months of a legal intervention into their intimate relationship.

In Waitakere, police report that 74% of all reported violence was family related and revictimisation was reported at 28% (New Zealand Police, 2006). Estimates of repeat offences were not reported. A recent statistical analysis of the Viviana and Man Alive databases reported re-occurrences of violence for 38% of first arrests in 497 cases between July 2005 and June 2006. In twenty cases re-occurrences were reported more than four times in the year. Of the men who were referred to Man Alive programmes, those who completed showed a lower rate of re-offending. The analysis found that reported re-offending rates peaked in the 3 months following arrest, and in the month before and after sentencing (Coombes et al., 2007). Although both arrest and prosecution may signify intolerance of intimate partner violence, criminal justice interventions may also increase violence in some instances (Mills, 1998).

This pattern of re-offending is consistent with other research that draws attention to the way in which the ongoing relationship between the victim and the offender provides the offender with greater access to the victim than is the case for stranger assaults. A review of domestic violence risk measurement reports that the frequency with which reoffending occurs is relatively high (Dutton & Kropp, 2000). Even if the victim and offender are not living together, there are other opportunities for regular contact including access to children, property, or relationships with friends and other family members. If a legal intervention disrupts an abuser's control over his victim, it is more likely that he will respond with violence to re-assert control. These possibilities for increased risk of intimate violence re-offending need to be taken into account in implementing criminal justice responses (Institute of Public Law, 2007) where there is the opportunity to limit the offenders access to his victim.

The physical threats, coercion, manipulation and intimidation strategies that offenders use to re-exert control over their victims are reported to be related to victim's attempts to retract statements or their unwillingness to co-operate with police prosecutions. In an evaluation of specialist domestic violence courts/fast track systems in England and Wales, it was found that 50% of victims retracted statements and this was the most common cause for a case not proceeding through specialist family violence courts (Cook et al., 2004). Attempting to understand the complex issues of victim retraction is not well researched although there is some agreement among practitioners and researchers in the UK, USA and Australia. In a review of the findings, Robinson and Cook (2006) found most commonly understood reasons included: living in fear of the offender and/or his family; problems with access where there are children; finding safe housing; misperceptions of court process (especially where English is not a first language); and changes to bail conditions that affect safety. For victims, these concerns are exacerbated in the event of revictimisation and are dependent on the victim's interpretation of their lived experiences of risk.

Another concern is that decisions to prosecute in the criminal justice system are based on victim variables where 'good' victims are perceived to be cooperative (Jordon, 2004). 'Good' victims are more likely understood to show visible signs of trauma and, more importantly, greater willingness to work with police and prosecutors. In their analysis, Dawson and Dinovitzer (2001) found that victim cooperation was a significant predictor of prosecution: Sixty percent of decisions not to prosecute were because of victim non-cooperation. Furthermore, prosecutors were seven times more likely to prosecute in cases when victims were *perceived* to be cooperative. After accounting for the effects of defendant characteristics, victim-defendant relationship and type of evidence, they found that victims who are able to either give testimony through videotape or through victim advocates are more likely to cooperate. Casting victims as

wilfully uncooperative in the context of fear of retaliation leads to victim blaming that reduces the level of service to victims and places them in increased danger (Cook et al., 2004).

In the U.K. the Crown Prosecutor Service has prioritised a reduction in the percentage of victim retractions as a key performance indicator (Cook et al., 2004). While it is reported that court staff place high value on victim participation, advocates recommend that victim preference is taken into account as victims are best able to assess their own safety in the context of a supportive relationship with advocates. Robinson and Cook (2006) introduce the notion of “supported retractions” which questions the assumption that prosecution is always a “success” in as much as the justice process itself does not necessarily enhance victim safety. Based on research from the victims’ vantage point, victim co-operation might be indicative of a more trustworthy legal process that takes her safety seriously, and holds the offender accountable for the effects of domestic violence (Cook et al., 2004; Robinson & Cook, 2006). One of the key outcomes of the current study is a more detailed understanding of the way in which the ongoing character of the relationship between the victim and offender affects co-operation with prosecution, as well as suggestions from the victims as to how their protection could be taken more seriously.

The emphasis that was placed on overcoming systemic delays when the initial *fast track* system was put in place at the Henderson District Court in the early 1990s is based on the recognition that delays in proceedings provide offenders with more opportunities to access the victim. Both the Practice Note, stipulating a 13 week timeframe for disposing of all family violence matters before the District Court, and the current WFVC aim of overcoming systemic delay and minimising damage to families are also based on this recognition. Whether offender’s access to their victim is used to assault, coerce, manipulate, threaten or intimidate, time delays provide more opportunities for offenders to re-engage victims in ongoing intimate violence. Another key outcome of the current study is a more detailed understanding of the ways in which victims re-engage in intimate relationships with defendants during court processes, and the strategies they use to resist re-engaging.

At the WFVC, a judicial strategy of coercing guilty pleas may provide one opportunity for enhancing women’s safety throughout the court process. When a defendant accepts responsibility for an offence by pleading guilty there is no cause for the case to proceed to a defended hearing. This strategy reflects a problem solving approach, a shift from the more traditional adversarial system of defended hearings which exposes a victim directly to the offender. When victims are required to give evidence at a defended hearing they are expected to speak publicly about an act of intimate violence in an environment that is alienating and unsafe. They are also expected to address questions put by defence counsel who represents her partner (Jordan, 2004). It can be a time of intimidation and further abuse. In the majority of defended hearing cases the key witness is the victim³. While criminal justice proceedings protect the defendant from defamation, or from the presentation of information that does not bear directly on the events of the offence, there is little to protect the victim from being discredited or blamed during cross examination. Defence counsel may be skilled at exposing inconsistencies in a victim’s story or creating suspicion of their version of events: “Victim character assassination is a commonly used defence strategy” (Hartley, 2003, p.415).

³ Recently implemented changes to the Evidence Act (2006) may impact on the rates of withdrawals both before pleas are entered, and for not guilty pleas, if they effectively protect victims from manipulation, coercion and threats by removing the need for women to be key witnesses at hearings or trials.

The traditional proceedings of the criminal justice system rest on the assumption that individuals before the court are separate, autonomous and of equal power. Where there is an intimate, ongoing, gendered relationship between the victim and offender, this assumption is problematic. Matters of intimate partner violence and family violence do not involve discrete, usually one-off acts of violence perpetrated by a stranger. In an ongoing relationship between victim and offender, physical violence often occurs in the context of the perpetrator's economic, physical and psychological control over the victim (Dutton & Goodman, 2005; Herman, 2005; Lewis, Dobash, Dobash & Cavanagh, 2001; Pence & Paymar, 1990). Anderson et al. (2003) found that 78% of victims in their study experienced coercive control as a major form of abuse in their relationships. Their partner's tactics of control included intimidation, coercion, manipulation and threats of physical violence. In addition, controlling partners typically use strategies that isolate women victims from family, friends and other social networks to ensure that they are dependent and unsupported.

At Waitakere, 64% of analysed intimate violence cases involved an initial guilty plea. While this suggests that the court is having some success at coercing guilty pleas (Coombes, et al., 2007), time delays provide evidence that many defendants have ample opportunities to access victims between arrest and sentencing. Guilty pleas may enhance women's safety to the extent that the victims are not exposed to character assassination or victim blaming during the court proceedings and offenders are not motivated to control the withdrawal of victim evidence. However, if victims are not well informed about court processes and are fearful of revictimisation or victim blaming during proceedings, their safety may be further compromised. Another outcome of the current study is a more detailed understanding of the ways in which information about court proceedings or alienation from the criminal justice system affect victims' safety from their point of view.

A further potential compromise to victims' safety when women are involved in criminal justice proceedings for matters of intimate violence has been identified overseas. Agencies are receiving reports that in jurisdictions where domestic violence police attendances result in formal notifications to child protection organisations, mothers are being identified as perpetrators of child neglect or abuse because they remain in relationships with partners who assault them. In the Robertson et al., (2007) study of the implementation of Protection Orders, it was found that victims' concerns for their children's safety were important considerations in their decisions to separate or reconcile with their violent partners. Women's fears for the safety of their children provide a context in which they negotiated their own safety. The current study will also provide information on whether or not similar issues arise for victims involved with the WFVC and how they impact on their experience of safety.

2.4 Criminal justice responses to intimate partner violence internationally

Internationally, the growing awareness of an epidemic of intimate partner violence over the past 20 years has resulted in a variety of responses from justice systems dealing with family violence. These responses involve both policing and prosecution and each of these aspects may potentially impact on women's safety during court proceedings.

2.4.1 Policing

Internationally, mandatory arrest and 'no drop' prosecutions were introduced as policing strategies from the 1980s onwards. Mandatory arrest removes the responsibility for victims to

make complaints against their partners if there is other evidence available for police to arrest them, and 'no-drop' prosecutions meant that police prosecutors did not need to rely on victim's evidence to proceed with cases.

In the international context mandatory arrest policies were initially supported by research that found arrest was an effective deterrent in cases of intimate violence. It was believed to enhance victim safety by diffusing the immediate situation and removing the offender from the scene. It also removes the victim's responsibility for deciding to lay charges against the defendant. This is intended to protect her from subsequent reprisal for that decision. Since their introduction, however, research on the 'success' of the policies has raised questions about whether or not such arrests do ensure improvements in victim safety (Hoyle & Sanders, 2000). Even when convictions are demonstrated to be the outcome of prosecutions based on arrests that are intended to protect victims, it is necessary to understand how victims have experienced the legal intervention into their relationship before concluding that the policy is working (Cook et al., 2004).

In Aotearoa a pro-arrest policy in relation to domestic violence was adopted nationally in 1987 (Police Commissioner, 1987). Under this policy, police were to arrest perpetrators when there was sufficient evidence of an offence so that prosecution did not rely on victim complaints and the decision to arrest was not the responsibility of the victim. The police policy statement was combined with media campaigns and re-issued in 1993.

In many places mandatory arrest has been adopted alongside 'no drop prosecution' where the prosecutor is responsible for ensuring that all charges with adequate evidence proceed through to prosecution. This also aims to enhance victim safety by reducing the risk that the defendant will coerce and intimidate the victim to withdraw charges. No drop policies and mandatory arrest are often seen as a "step forward in criminalizing violence against women and holding batterer's responsible for their abusive behaviour" (Hartley, 2003, p.413). Taking an approach where intimate violence is policed and prosecuted without apparently needing victims' cooperation has been termed a "crime against the State" approach to family violence (Mills, 1998). However, criminal legal systems that take this approach often continue to treat intimate violence as if it is composed of discrete events (Robinson & Cook, 2006). Although intimate violence often takes the form of an ongoing pattern of abuse, adversarial legal systems restrict the kinds of evidence that may be presented to demonstrate a pattern of ongoing violence. Criminal justice responses to intimate violence alone, inadequately address the ongoing character of intimate partner violence.

Despite their intent to protect victims and provide the Government's validation of victim rights to live free of violence, mandatory arrest and no drop policies continue to attract international debate as strategies for enhancing victim safety. Whether mandatory arrest and no drop prosecutions achieve their aims of enhancing victim safety depends, in part, on how well the justice response is embedded in a whole-of-community co-ordinated response and how well victims understand the implications of the policies (Dobash & Dobash, 2000; Römken, 2006). The current study will consider the ways in which information about police policies and practice, and victims subsequent sense of safety during the WFVC process are related from victims' points of view.

2.4.2 Specialist Domestic Violence Courts

Internationally, court responses to domestic violence have been varied and there are many different models of domestic violence courts in Aotearoa, USA, Australia and the UK (Cook, et

al., 2004; Stewart, 2005). In the USA there are more than 300 specialist family violence courts. Canada has specialist courts in five main cities and the province of Ontario alone has set up 55 specialist domestic violence courts (Stewart, 2005). The UK has at least five specialised courts in operation with more being implemented (Cook et al., 2004). The WFVC was the first specialist domestic violence court in Aotearoa/New Zealand. There are now newer specialist courts in several districts throughout New Zealand, although no evaluation of the WFVC was conducted until 2007.

Courts have developed in a variety of different forms and are governed by varying legislation although they each seek to meet local needs for coordinated responses to family violence. Current models for specialised family violence courts are diverse both structurally and through processes that are dependent on community involvement. Ongoing debates within the literature about the establishment and evaluation of specialist domestic violence courts in the USA, UK and Australia suggests that the effectiveness of many of these practices in terms of how well they protect victims is difficult to ascertain. Empirical evidence has failed to show declines in re-offending rates or improvements in reporting of intimate violence to government authorities (Bennett et al., 1999; Mills, 1999). Many approaches to specialised courts do not take account of the *holistic* character of intimate violence, and do not aim for the court to serve a therapeutic function in response to the need to reduce family violence. A smaller number of specialist violence courts have in common, an approach to intimate violence that both prioritises the protection of women and children through a collaborative process with communities, and aim to enhance victim safety and increase offender accountability. For example, in South Carolina the specialised court has moved to co-ordinating its responses to domestic violence with multiple social service organisations to produce a more active approach to holding offenders accountable and protecting victims (Gover, Brank & MacDonald, 2007). A recent review suggests that co-ordinated interventions are showing promise in reducing intimate violence, although more research is needed (Shepard, 2005). Rather than only focus on fast-track adversarial process, they recognise the courts' potential to contribute and respond to intimate violence as a significant psycho-social problem. These courts have shifted to a wider perspective on dealing with the problems underlying violent offences in intimate relationships through interagency collaborations for intervening in ongoing patterns of violence. The WFVC is also founded on a problem-solving perspective.

No problem solving court necessarily functions the same way as another because they need to take account of local community responses and collaborative relationships. However there are some common characteristic practices that are be implemented to varying degrees in courts that take a therapeutic approach including co-ordinating the criminal court's response with other responses; engaging victim advocacy in the court process; sharing information between the victim and the court; referring offenders to intervention programmes and monitoring their progress through those programmes, and improving the specialist knowledge of those working in the court (Robinson & Cook, 2006). The current study seeks to understand how the holistic approach taken in problem solving courts influences women victims' experiences of safety.

2.4.3 Co-ordination

The acknowledged value of local, community-based interventions supported by The Taskforce for Action on Violence within Families (MSD, 2006) is evidenced in international research. The court may be able to introduce practices and processes that fast track cases, or encourage guilty pleas, yet this strategy alone does not provide a response that addresses interagency and community co-ordination (Cook et al., 2004). Research has found that when court

processes are linked to a coordinated community response, safety outcomes for victims are improved (Holder, 2001).

As well as co-ordinating responses within the community, some problem solving courts involve co-ordinating civil and criminal courts to increase victim safety. Fritzier and Simon (2000) argue that the Vancouver combined court overcomes problems associated with being 'shuffled' from one court to another to seek redress for an offenders' violence against his partner. In Aotearoa/New Zealand, the Family Court and the District Court deal with different aspects of family violence: the granting of Protection Orders and the prosecution of criminal offences against family members, respectively. There is no formal relationship between the Family and District Courts at Waitakere and the advantages of a co-ordinated court response are not available. The current study will consider whether women's' accounts of their safety throughout the WFVC process provides evidence of potential advantages for co-ordinated court responses.

When the specialist family violence court in Vancouver was established it utilised an existing building and security arrangements that lacked separate facilities for victims when they came to court to testify or to witness the court process. As the number of people attending court increased there was an increase of violent offences at the court (Fritzier & Simon, 2000). In Chicago they addressed this issue by building a new courthouse that has a separate area for victims and includes childcare facilities. Victims are escorted to and from the courtroom. No resources have been provided to the WFVC for its specialised criminal justice response to family violence, so specialised facilities are not available.

Other courts attempting to address practical issues such as the organisation of space for court proceedings have acted to reduce, or even eliminate, the need for the victim to attend court. In West London the presence of victim advocates and representatives of community victim support services is accepted by the Bench (Standing Together, 2006). Where advocates have the right to speak in court on behalf of victims, victims are not compelled to attend court and need only witness the proceedings if they choose. The Standing Together collaboration has systematically collected victim feedback on the court procedures in West London and has consistently found that focusing on practical details, such as secure docks, can improve victim's experiences of safety and security (Standing Together, 2006). Practical suggestions for improving the physical environment of the court from women who have experienced WFVC processes as victims will also be an outcome of the current study.

2.4.4 Community Victim Advocates

Advocates can function as a buffer and contact person between the victim and court, providing the victim with some voice in the process and a perception of increased safety. Victim advocacy has been associated with reduced rates of revictimisation in studies by Bell and Goodman (2001) and Cateanno and Goodman (2005). Robinson and Cook (2006) also report that victim advocacy is highly valued by those victims, and survivors, who were involved in SDVCs in the United Kingdom.

The provision of victim advocacy is also common in North American SDVCs. At the Brooklyn Felony Domestic Violence Court, established in New York State in 1996, advocates are provided from two sources, within the justice sector itself from the districts attorneys' office and from Safe Horizon, an independent victim organisation. The work is divided equally, alternating weeks. Every victim is assigned an advocate as soon as possible. Safe Horizons have their offices in the courthouse which provides victims with easy access to advocates (Wolf, Aldrich &

Moore, 2004) so long as there is safe, secure entry for the victims. In West London, research coordinated through Standing Together has shown that practical and immediate help from the point of crisis is essential for improving victim safety (Standing Together, 2006). Resources for follow-up and a commitment to the longer-term well being of women victims and their children are also essential according to studies showing that flexible responses to their needs through advocacy and ongoing social support are rated by victims themselves as more helpful for safety than criminal justice interventions (Goodman & Epstein, 2005).

Improvements in victim support services have also been associated with increasing victim participation in the justice process. All five specialist family violence courts in England engage independent victim advocacy for this reason (Cook et al., 2004). Providing practical support and resources for improving victim safety may also be related to victims following through with involvement in court processes if it is necessary for the prosecution to proceed (Bennett, et al., 1999).

The WFVC involves the Tri Parté Community Victims Services Network (CVS) as part of its commitment to collaboration with the community, to meet its goal of concentrating specialised services in the court, and to provide the Judiciary with vital information related to victim safety. The CVS consists of Viviana, a local Independent Women's Refuge, Tika Maranga (Māori Women's Refuge), and Victim Support Service. They work with the victims throughout the interpersonal processes of coping with family violence offences, of which the court is only a part. Thus, they provide a more holistic service for supporting change than the court can provide by itself. Within the court the CVS providers are advocates for the victim and their priorities are victim protection and victim safety. The current study will provide information on victim safety from the point of view of advocates, as well as women victims.

2.4.5 Information sharing

Information sharing among community and government agencies involved in collaborative responses within specialist family violence courts is vital to the reliability of the information that informs judges' decisions with regard to offender accountability for intimate violence. Effective information sharing requires careful negotiation among those involved in specialist courts to ensure that the rights of victims and defendants are respected appropriately while the objectives of sharing information are also met.

Some international studies on information sharing in the operation of specialist courts point to its importance with regard to bail conditions in particular. Well founded decisions on bail take account of reliable information on victim safety in the context of an ongoing relationship with the defendant. Community victim advocates provide these assessments in some international courts. They also assist victims to plan for safety, and the West London SDVC have found that providing advocates with information on bail hearings or monitoring outcomes as quickly as possible is crucial to improving victim safety (Standing Together, 2006). Passing information to an advocate, who can provide the victim with information about court processes, reduces the necessity for victims to be at court to find out what is happening and therefore reduces risks of their exposure to threats or intimidation by their partner.

Cook et al (2004) report on the importance of developing information sharing protocols within the organisations that collaborate with specialist courts. Protocols allow for consistency in information sharing practices. Historically, at WFVC, CVS advocates had open access to information from the court so that it could be provided readily to victims. For example, the CVS could access court files so that they could let victims know the outcome of an offender's

appearance in court if the advocate had not been in court on that day. This open information sharing between the court and the community service providers was restricted by provisions of the Victim Rights Act (2002) which prevented third parties from accessing information. However, since CVS advocates are able to be present during court proceedings as members of the public, they were able to compensate by collecting information themselves to pass on to the victims. The 2005 protocol documents of the WFVC include procedures for information sharing between the agents of the justice sector and CVS and have enabled information flow to be restored to CVS. The current study will provide information on how well information is flowing from the WFVC to victims and how it affects victim's understandings of their safety.

Evaluations of specialist courts in the U.K. (Cook et al., 2004) draw attention to the importance of evaluating information flow between agents involved in specialist courts. There were usually many situations in which information flow needed to be improved so that the agencies were better able to meet the aims of the specialist courts. Training for judges and others who work in the criminal justice sector on the dynamics of family violence was regarded as essential to effective information flow: agencies involved in co-ordinating responses need to share understandings of the character of the violence they are responding to. The current study will also identify situations where information flow specifically affected women's experiences of safety.

2.4.6 Referrals to offender programmes and judicial monitoring

A common component of SDVCs is engaging specialist intervention services, often from the community, to work with offenders. In some cases, referrals to intervention programmes are a component of sentencing, and Community Probation Service monitor the offender's attendance. In others, monitoring is undertaken by the Judiciary prior to sentencing, and sentence leniency is associated with programme completion and the Judiciary's assessment of personal change in their relationship with the victim. Most commonly, intervention programmes work with the offender to address issues of violence or problems involving alcohol and other drugs.

In the WFVC a defendant who pleads guilty may be referred to an individual intervention or programme that addresses the psycho-social issues implicated in the offence. In such cases sentencing is deferred while the judge monitors the offender's progress through the process of intervention. During this monitoring period, the offender is called to appear in court from time to time and bail conditions are reviewed depending on their progress. The judge may also choose to receive a report on the offender's progress without the offender appearing on a particular occasion. Victim's views of how the programme is working to facilitate changes that will improve their safety are sought throughout the monitoring period. Judicial monitoring is also used when the judge is considering a discharge without conviction and needs assurance that the offender has attended a required programme or taken the steps the court requires them to take to address the psycho-social issues implicated in the violence. In this way, current interagency legal and social histories are included in the decision making process.

Judicial monitoring is used in problem solving courts so that symbolic authority and ability to coerce an offender's cooperation with interventions can be mobilised to stress the seriousness of intimate violence and the court's genuine interest in addressing violence as a social problem. While little research on the effectiveness of judicial monitoring is available, Mears and Visher (2005) report that an evaluation of three sites taking part in an initiative to introduce judicial monitoring, did not have the inter-agency information systems in place to enable the courts to monitor offenders in the community. This finding suggests that courts which involve judicial

monitoring are critically dependent on interagency co-ordination and communication to successfully hold offenders accountable for their violence and monitor them effectively through change interventions that therapeutically address ongoing victimisation of their partner.

At Waitakere during 2005-2006, 70% of the cases of intimate violence available for analysis and 94% of cases with initial guilty pleas involved referrals to community intervention services. Fifty seven percent of referrals were to Man Alive, a local non-government organisation providing men's programmes for living without violence, individual counselling for men, and programmes for fathers and boys. Nineteen percent of referrals were to Community Alcohol and other Drug Services and 15% were to community relationship counselling services. The remaining referrals were to iwi service providers and a range of culturally specific community organisations, including Church programmes (Coombes et al., 2007).

In considering how women victims understand accountability and the ways in which their partners were held accountable through the WFVC process, the current project will also take account how women understand the efficacy of the services to which their partners were referred.

2.5 Women victims' safety at the Waitakere Family Violence Court

The WFVC shares a number of characteristics with specialist domestic violence problem solving courts internationally. While it also involves a *fast track* system, it is unique in Aotearoa/New Zealand for its extensive collaboration with community agencies, its approach to victim advocacy, referrals to intervention services and judicial monitoring. The effectiveness of the WFVC in enhancing victim's safety specifically depends on the effectiveness of its unique characteristics.

On advice from the Judiciary, and with the assistance of the Community Victim Service organisations, we have recruited clients of Viviana, Tika Maranga and Victim Support, whose partners have been monitored by the Judiciary at WFVC, to participate in the current project. Specifically, we have invited women whose partners have been 'convicted and required to come up for sentencing if called upon'. There are five main sentencing types used within the WFVC: Section 106 discharge; conviction and discharge; conviction and come up for sentence if called upon; supervision and/or community work; and imprisonment.

'Conviction and come up for sentence if called upon' is one of three sentences that are commonly used when offenders have pleaded guilty, have been referred to programmes, and have been monitored by the Judiciary during their engagement with the programme. During 2005-2006, it was the most common sentence passed (32%) in cases with guilty outcomes. Judicial monitoring was involved in 57% of cases involving guilty pleas before the court (Coombes, et al., 2007). Judicial monitoring is also often involved in 'Section 106 discharge' and 'conviction and discharge' sentences. However, Section 106 discharges are most commonly associated with what is problematically regarded by the Judiciary as "low level" violence and 'conviction and discharge' involves similar processes to those involved with 'conviction and come up for sentence if called upon'. The Judiciary have prioritised this latter sentence as most likely to indicate the successes or weakness of monitoring through the court. In this study we focus on hearing from women whose partners received this specific sentence about their experiences of the WFVC's intervention into their intimate relationship. Key informants from Community Victims Services (CVS) will provide supplementary information about women's experiences when their partner's receive other sentences.

In the following section we provide a full account of our methodology for the current project.

3. Methodology

3.1 Methodological rationale

The specific objective of this research proposal is to identify victims' experiences of WFVC processes through the collection and interpretation of personal narratives from those who have been involved in court processes. These narratives provide evidence of the ways in which women understand their experiences of safety, and the ways that court processes impact on their safety and wellbeing. From this evidence we are able to interpret and represent the women's experience of the WFVC, the degree to which they feel safer as a result of their involvement in the court process, the issues that affected their safety and suggestions they may have about improving safety for other women involved in the court.

Traditionally evaluation methodologies addressing the efficacy of intervention strategies have been quantitative. Often qualitative methodologies have involved assumptions about knowledge and the conduct of research that are similar to those which inform quantitative designs in their positivist empirical foundations. In the current study, four key features of the research objective led to us choosing an interpretivist methodology that makes quite different assumptions about research processes and outcomes.

The research objective seeks an understanding of the diverse ways in which the WFVC protocols may bear on positive or negative outcomes in terms of enhancing safety for victims. Thus research methodology needs to be able to accommodate diverse experiences, and identify diversity within participants' accounts of their experience.

The research aims for an understanding of victims' experiences of safety including how the process of the offender's referral to a community intervention, and the judicial monitoring of that process, affected their lives. We seek an understanding of how women victims personally experienced the effects of these processes. This feature suggests that the overall methodology needs to be developed within an epistemological framework that emphasises knowledge as *understanding*; can take account of the *specificity* of experiences; and that honours the integrity of *experience* from the point of view of research participants.

Rather than attempting to gather a list only of what works, and what doesn't work in general, the current study identifies specific events within the court processes that enhanced victims' sense of safety. This focus on criteria of safety as an evaluative standard reflects the intention of the protocols of the WFVC and the priorities of the Taskforce for Action on violence within families (MSD, 2006).

Another key feature of the research objective is the intended contribution of the research to strategies and policies concerning the reduction of the incidence and impact of intimate partner violence in women's lives. To be consistent with this intention our methodological design places safety as the central consideration in the conduct of the research. The potential for any participation in the research project to put someone at risk of victimisation or harm has been addressed wherever possible and we have been guided throughout the research process by an ethical protocol with safety as its highest priority.

Given these features Interpretive Phenomenological Analysis (IPA) was selected as the most appropriate methodology for the present study because it posits that the meanings ascribed by individuals to events should be a central concern for researchers (Smith, Jarman, & Osborn,

1999; Smith & Osborn, 2003). IPA does not attempt to test any predetermined hypotheses, instead, research questions are broadly framed to provide the researcher with the flexibility to explore areas of interest in detail, guided by the research participants. The central aim of IPA is to discover what a process or event is like from the participant's perspective by collecting their stories, in their own words, about the topic under investigation; in this case the effectiveness of the WFVC protocols in enhancing women's safety. The result of an Interpretive Phenomenological Analysis is a set of super-ordinate and subordinate themes which represent interactions, experiences, points and patterns of meanings.

3.2 Research Questions

In the present study the themes that emerged from our IPA provide the content that addresses several particular research questions:

- Which specific events involved the women with court processes?
- Based on descriptions of these events, which processes specifically involve the women and to what extent are they involved in the WFVC?
- How did the court and the community service providers take account of the circumstances of the family and the holistic context in which the offences were committed?
- From the women's points of view were the services they received effective and were they the most needed or most appropriate for the circumstances. Was it helpful to have access to these services through the court process?
- How did victims understand a 'delay'? Were the temporal gaps between arrest, court appearances and sentencing experienced by the women as delays? What were the positive or negative consequences due to delays or the minimisation of delays?
- What constitutes protection/safety for women and their children from their point of view? What constitutes harm? To what extent have the women and their families felt safer as a result of being involved with WFVC?
- How do the women understand accountability? In what way were offenders held accountable?
- How might WFVC improve the safety of women from the point of view of victims themselves?

As well as enabling us to understand the effectiveness of the WFVC protocols for enhancing women's safety from the point of view of women who have been involved in court processes as a result of their partners violent offence against them, IPAs focus on the centrality of the participants' meaning, enables us to address particular ethical considerations in the conduct of research on intimate violence.

3.3 Ethical considerations in intimate violence research

3.3.1 Safety

The safety of research participants is a priority of this research. Some research strategies have been identified as putting victims at risk of further harm. Random sampling and cold calling telephone surveys have both been identified as potentially increasing risk of harm. Random sampling usually involves sending invitations to participate in the research to potential

volunteers without previously negotiating with the recipient. Cold calling involves ringing or visiting a potential participant to invite them to take part in the research without previously negotiating the call or visit with the recipient. Random sampling and cold calling sometimes mean that people are unable to voluntarily consent to participate, or are unable to participate candidly because of the presence of an abuser during the researcher's contact. It is also possible that women currently victimised in abusive or violent relationships will be physically or emotionally punished for receiving a researcher's invitation to participate. Potential participants who can be asked about their interest in the research during a scheduled meeting or phone call with a known victim advocate are less at risk because the approach takes place at a negotiated contact time, where advocates can assess risk and offer follow up support if required.

3.3.2 Minimising and stereotyping

Qualitative research has documented victims' use of various minimisation strategies to cope with violence in their lives (Kelly, 1988; Kelly & Radford, 1996). Minimisation strategies involve limiting the significance or severity of incidents that the women understand as violent or abusive. Minimisation is an adaptive strategy that enables women to focus on positive experiences within their relationship. It also enables women to escape identifying as victims of violence. Stereotyping contributes to supporting minimisation. Stereotypes of family violence that only recognise physical violence potentially inhibit women who are victimised through psychological and emotional violence from identifying their experience as victimisation. Severity of violence may be associated with frequent physical violence so that incidents of physical violence, which occur infrequently or do not result in visible physical injury are minimised. This association also enables psychological and emotional abuse to be discounted as violence. Minimisation and stereotyping can be addressed in research by engaging in data collection techniques that allow participants to disclose abuse as they understand it, and attending to the effects of minimisation and stereotyping on the ways in which victims understand safety in the analysis of data.

3.3.3 Mistrust

In addition to these problems, researchers have increasingly paid attention to the possibility that some women are more likely to be alienated from, and mistrustful of, research processes that are insensitive to cultural and socio-economic differences. Research that has consistently demonstrated negative outcomes for Māori, Pasifika, and those who are disadvantaged by their socio-economic status, their positions as immigrants, or their locations in relatively isolated rural communities has been criticised for methodological strategies that do not take cultural and social context into account. As a consequence of scientific methodologies that are assumed to be culturally neutral, the complexities of specific experiences have been undervalued. Research strategies that are sensitive to diversity necessarily involve negotiating safe encounters between researchers and participants. By valuing culturally specific interpretations of evidential data we seek to enhance trust with members of the Waitakere community.

3.3.4 Privilege of experience

Researchers and women who have been victimised in intimate relationships do not always share an understanding of the incidents and acts that constitute violence. Survey and questionnaire methodologies involve defining constructs and variables of interest prior to collecting data. These strategies privilege the researchers' definition of relevant constructs, events or relationships. Participants whose understandings of violence differ from those of the

researchers may not consider that the research is relevant to their own circumstances and may self-select out of studies to which they could contribute valuable information.

3.3.5 Ethical considerations and culture

Te Tiriti o Waitangi informs our understanding of ethical research practice and we are respectful of te tino rangatiratanga of Māori with regards to taonga (such as mātauranga and hauora). The spirit and intent of Te Tiriti unequivocally speaks of a partnership between Māori and Pākehā. In this research, the process of Māori and Pākehā coming together to collaborate involved culturally sensitive data collection techniques and specifically bicultural attention to the data analysis. The spirit of Te Tiriti also incorporates the principle of protection. We attend to issues of protection through many dimensions: the overall goal of the research, to enhance the safety of women who experience family violence in Aotearoa/New Zealand, requires attention to the specific vulnerabilities of victimised people, and attention to protecting the mana of those who participate in this project (participants, researchers and consultants). Protecting the mana of participants involves research processes that demonstrate respect for each other in our diversity, a spirit of aroha, and ongoing consultation and collaboration.

The ethical principles that underlie the Massey University Code of Ethics inform the ethical conduct of this project within a Pākehā institution. The guidelines of *Massey University Code of Ethics* necessitate that care be given to ensure informed consent, confidentiality, avoidance of harm and deception, social and cultural sensitivity, and understanding that the rights of participants supersede those of the researchers. An ethical protocol for the conduct of this evaluation was approved by the Massey University Human Ethics Committee (Southern B Application 07/18). Information sheets that explained the research project and process were provided to participants and their community advocate. All participants signed consent forms before taking part in the research. Information sheets and consent forms are presented in Appendix B.

Ethical considerations relating broadly to safety, and taking account of research traditions which have been identified as potentially harmful to participants were addressed through specific strategies of recruitment, data generation, analysis and collaboration. The following sections outline each of these strategies.

3.4 Data generation

3.4.1 Representation and sampling

The most common version of representational sampling derives from traditional quantitative research designs. In these designs representational sampling seeks to ensure that members of the population under investigation have an equal chance of being selected to take part in the research. This version of representational sampling is intended to ensure that the sample accurately represents the population. It depends on relatively accurate estimates of population parameters and random selection from the population. Representational sampling would not be appropriate for this project for three critical reasons; safety, underreporting, and diversity.

Rather than aiming for representational accuracy, we aim for a purposeful sample of experiences that represents diversity and complexity across social dimensions. It would be ideal to have samples that include the experiences of women victims whose partners had received other sentences on conviction, or had charges withdrawn or been acquitted, as well

as including proportional representation of family relationships, gender and ethnicity based on those who have been involved in the WFVC's processes *and* on the different victim support services that are provided in the community. However the scope of this study prohibited such broad sampling. We prioritised one sentence type: conviction and come up if called upon. This sentence was the most common sentence passed at the WFVC in the year July 2005-June 2006, the first year in which the current protocols were in place (Coombes et al., 2007). Data from the Court Management System (CMS) shows that in 2007 this sentence was the third most common, with supervision and community work imposed more frequently⁴ (Ministry of Justice, 2008). When offenders have pleaded guilty they have usually been referred to treatment and intervention programmes to address problems underlying their offences. Sampling experiences from women whose partners have received this sentence enables us to select a purposeful sample from a small but socially diverse group of participants while retaining an adequate sample size for data saturation.

Saturation is a term used to refer to the point in qualitative data collection and analysis when new information does not add to the findings already produced – no new codes, themes or theoretical categories are able to be developed. At this point, the findings may be regarded as a robust analytic account of data. Saturation is ideally reached through theoretical sampling which is an ongoing process that enables the researcher to identify gaps in the analysis and return, sometimes repeatedly, to collect more information from participants, or select new participants to purposefully provide the missing information. However, this ideal is difficult to practice where resources for the research are restricted or there are time limitations on the project. In these circumstances Guest, Bunce and Johnson (2006) recommend a sample size of 12 as likely to reach saturation if the sample is relatively homogeneous, and a sample size of six can produce the basic elements of superordinate themes. They point out that a sample of this size will “not be enough if a selected group is relatively heterogeneous, the data quality is poor, and the domain of inquiry is diffuse and/or vague” (p.79). Larger samples are necessary if the objective involves comparing variations among groups, however this study does not aim to make such comparisons.

Restricting our sample to one sentencing group meets the criterion of homogeneity because the participants have experienced similar processes through the WFVC procedures. The domain of inquiry is specifically focused on these processes and victims' experiences of safety. To ensure that we generated data of sufficient quality, we used conversational interviewing to collaboratively produce rich textual accounts of the participants' diverse experiences of the processes resulting in this particular sentence.

We recognise that by limiting our sample to women victims whose partners have received a particular sentence as a result of WFVC proceedings we are unable to draw conclusions about the safety to victims who were involved in other kinds of court processes or affected by other possible outcomes. In some cases, this may be the result of a not-guilty plea or charges may have been withdrawn during the period of time required for preparing a defended hearing. In other cases the seriousness of the violence or the offender's criminal history may have resulted in imprisonment. These circumstances are likely to be related to very different experiences of safety. For example, where a defended hearing takes longer to dispose of the matter before the court, the victim is more likely to re-engage in a relationship with the defendant, and the

⁴ The authors note that we do not have information on the charges relating to sentences in the CMS data base. Therefore, we can not ensure that this sentence information represents all cases before the WFVC or only Male Assaults Female and Breaches of Protection Order cases. We also do not know whether this CMS data is specific to the WFVC or whether it is district or national data.

defendant has more opportunity to re-exert control of his partner. In the case of an ongoing relationship there is more opportunity for them to enter a 'honeymoon' phase, a reconciliation phase that has been identified in research on the cycle of intimate violence. In many instances, violence escalates after this phase but it is not possible to predict escalation accurately. Coercion or re-engagement may result in the victim withdrawing evidential statements *and* being at greater risk of victimisation. These are circumstances in which invitations to participate in research may trigger incidents of violence.

Although the scope of this project is not sufficient for safe sampling techniques that will produce robust analytic findings on victims' experiences of safety across *all* WFVC processes, we obtained insights into a variety of these experiences through interviews with community advocate key informants. To obtain these insights we interviewed three key informants with a range of experiences of working as victim advocates for non-government organisations collaborating with the court. Key informants were invited to contribute their insights on victim safety if they had more than five years experience working with victim services associated with the WFVC. We sought their experienced views of how the WFVC protocols affect victims' safety, based on their witnessing hundreds of victims' experiences over the years of their collaboration with the court. The information generated from these interviews was not sufficient to be confident of saturation independently, however they were analysed because interviewers reported that they strongly supported the accounts given by the women participants. Although both the women's and advocates' interviews were analysed separately, the commonality of their thematic structure suggested that saturation had been reached in relation to various understandings held in common by the women and the key informant advocates.

3.4.2 Recruitment and participants

Women victim participants were recruited in negotiation with Viviana, one of organisations of the Community Victims Services Network. Advocacy staff chose a pool of clients who met the safety criteria for participating in the research: they were over 18 years of age; there had been at least a two month time lapse since they had any involvement with the WFVC; and, the advocates assessed that they were safe enough to be invited to take part in the research. From this pool, the researchers chose 20 clients who received invitations to participate. Six participants were recruited from the first round of invitations. The second round of invitations from a further pool of 20 resulted in no participant volunteers. Between the first and second round of invitations, Annan Lui, who was known in the Waitakere community, was murdered by her violent partner. Her death resulted in an increase in demand for the Community Victim Services as women in the district became more anxious about their own situations. At the same time the women who spoke with the advocates became more cautious about being involved in the research. After advocates advised the research team that demand for their services had returned to normal levels for this time of year, a third round of recruitment was negotiated. From this round, three more participants were recruited. Advocates participating in recruitment noticed that women often declined to take part because they did not want to re-visit painful experiences from their past.

By collaborating with Viviana in recruitment for the research, the researchers were assured that each participant's safety had been assessed at the time the invitations were made. Each volunteer was able to negotiate their participation and choose whether they would prefer a Māori or Pākehā interviewer, or both, where and when they would like to be interviewed, whether they needed a safety plan to feel confident of their safety, and how their needs for cultural safety could be taken into account. Although it was possible for participants to choose not to inform advocates of their participation in the research, all of them chose to tell the

advocates who worked with them and some of them chose to be interviewed at a Community Victim Service office. Victim advocates also offered ongoing support after the participant interviews.

We did not collect demographic information about women who volunteered to participate in this study. However, based on the accounts the women provided to interviewers and the interviewers' experiences of meeting and talking with women participants, we became aware that the women and their partners were Māori, Pākehā, and immigrant. In some cases their intimate relationships involved differences of culture and language. For some participants the relationship in which they had been victimised was an early, first relationship that had not continued for more than a few years. For others, their relationships were more permanent and some participants had been married to their partner for most of their adult life.

Some participants had migrated to Aotearoa/New Zealand and English was not their first language. Some participants had been born in Aotearoa/New Zealand and their partners had immigrated and were culturally immersed in non-English speaking communities in the Waitakere district. All the participants were employed and either owned or tenanted their homes. They were not financially dependent on their partners and they did not rely on Government financial support at the time of the interview.

All three key informants invited to contribute to the research accepted our invitation. They had between five and fifteen years of experience working with women victims of partners prosecuted in the WFVC. Their combined experience included services provided through Viviana, Tika Maranga and Victim Support as well as other organisations that provide services to victims of family violence in the Waitakere district.

3.4.3 Data generation

Both women and advocate participants took part in a conversational interview with one or two interviewers. Conversational interviews allow the generation of data which is rich in detail and includes information that is unanticipated and of critical relevance. The aim of conversational interviews is to ensure that it is not only the researcher's agenda that is met by the interview process, and to enable participants to have the opportunity to raise issues, or talk of events that are significant to them. If a structured or semi-structured interview protocol is used, participants are less likely to openly discuss their experiences and more likely to depend on the researcher for direction. In such circumstances we lose the opportunity to learn about experiences that we have not already thought to include in an interview schedule. Conversational interviews are designed to provide the researchers with adequate qualitative data for analysis that addresses the research questions specified in Section 3.2 above. Interview schedules were developed to ensure that prompts could be used by interviewers to cover the specific interests of the Ministry of Justice (see Appendix B).

Prior to interviews being conducted, all participants received an information sheet. These were either posted to CVS clients who had let advocates know that they were interested in the research and were safe to receive invitations in this manner, or they had been provided at meetings between clients and advocates involved in recruitment. All participants had the opportunity to ask questions about the research prior to their interviews and all signed consent forms before interviews began. Information sheets and consent forms are included in Appendix C. Interviews were conducted privately in a place that was convenient and safe for the participant and researcher, either the participant's home or an office in one of the community service organisation buildings. They were held during September and October, 2007. All but

one of the interviews were audio-taped and then transcribed by transcribers who had signed a confidentiality agreement. So that participants could be more confident in our confidentiality protocols, we also ensured that transcribers did not reside in the Auckland region. One participant did not agree to her interview being taped and negotiated for the interviewer to make notes during and after the interview. Transcripts from the interviews were returned to participants to make corrections to their contributions, delete any parts they did not want included and to make any additional comments, unless they did not want to see the transcript again. Participants gave written or oral consent for the use of transcripts in the analysis stage either at the end of the interview or when returning their edited transcripts to the researchers.

3.4.4 Data analysis

The whole of the research team were involved in analysing the interview data through a consultative and collaborative process. The team comprises specialist domestic violence and forensic psychology researchers, Māori, Pākehā and tau iwi interviewers and transcribers, and Māori and Pacific Island consultants. Our collaborative process involved discussions around the aims, objectives and specific research questions we were addressing, our understanding of our methodology and our assumptions, our ethical conduct, and our experiences of interviews and transcription. Interviewers debriefed together and with other members of the team. We talked about how to protect participants' confidentiality, about the detailed information they had disclosed to us and how we could represent our respect and admiration for their courage and resistance of their partner's violence. Our experiences and our discussions informed our understandings of the accounts we had heard, read and encountered, providing those who had responsibility for analysis and report writing with multiple interpretations of prioritising victim safety to bring to the analysis.

Transcriptions of interviews are often regarded as the first stage of data analysis since they involve interpretive decisions about how to represent conversations between interviewers and participants. Transcripts included word by word interactions between the interviewers and the participant, hedges (e.g. 'hmmm', 'ah', 'you know') and significant gestures (e.g. 'points down') with adequate punctuation to enable meanings to be interpreted. Pauses were not timed, verbal interruptions involving others (e.g. children) were not transcribed and interactional features, such as overlaps in conversational turns were not recorded. Transcriptions were completed as soon as possible following interviews.

Interpretive phenomenological data analysis involves coding each meaningful unit line by line in each transcript as a first step. Women victim participants' transcripts were coded first. Codes initially took the form of words or phrases that represent as meaningful a unit as possible. For example, the follow text

...he tried to make me go back to the police station and say he didn't do it (T1, 66-67).

was coded as 'retraction/coercion' because it referred to the participant's account of her partner's attempt to coerce her into retracting her initial statement to police. As well as codes, memos of salient reflections on the interpretation were also kept. Sections of transcript were excluded from the coding if they involved interactions in which the interviewer was explaining an aspect of the legal system such as the difference between a protection order and the older non-molestation orders, or the participant and interviewer were negotiating for the woman to receive follow up advocacy services, or the interviewer was engaged in counselling interactions that were necessary to address an issue that emerged from the conversation.

The first six transcriptions were coded individually and then the codes were compared and contrasted to develop a draft codebook which comprehensively recorded the codes and arranged them into clusters where their meanings were related. In this way the analysis allowed for the thematic emergence of interactions, experiences and patterns of understanding that were similar across the interview transcripts. It is important to note that different kinds of events were sometimes thematically similar. For example, one participant talking about her partner returning to her home and another talking about her partner contacting her by cell phone would be thematically similar events, if both participants were describing how their partner reasserted his relationship with her as soon as possible after he was arrested. At other times similar events were thematically quite distinct. For example, two participants talking about their partner 'leaving them alone' for a period of time would constitute thematically distinctive events if in one case their partner did not make contact because he lost interest in the relationship, and in another, he did not make contact because of the provisions of a Protection Order. The draft codebook became an initial scaffold for organising the thematic analysis and the evidence of themes provided in the transcripts. Interviewers and consultants on the research team discussed the codebook and their reflections on the interviews with the analysts and report writers.

Throughout the interviews the women participating had told us stories of their experiences - both spontaneously and in response to particular prompts/questions. Although their stories were not organised into a coherent temporal account of the events of their partner's involvement with the WFVC, and its subsequent effects on their lives, each story was located somewhere within the temporal sequence beginning before their partner's arrest, then moving through the period of time that court proceedings were conducted. Interviews also included stories of how the process of legal intervention into their partner's violence against them had impacted on their lives after the court proceedings had been concluded. In the second stage of the analysis, we organised the themes that emerged from the analysis of the transcripts so that they also represented sequences of events over time from before the arrest until after the court proceedings. This involved carefully separating accounts of the women's experiences of violence within their relationships to ensure that historical incidents and offences were identified distinctly from re-offending during and after court proceedings. The women's reflections on relationships that were involved in enhancing their safety were retrospective and were, therefore, represented as subsequent to the court's intervention.

In the next stage of the analysis, coded sections of each transcript were copied into Microsoft Word files so that all the evidence for particular themes related to specific periods in the temporal sequence were gathered together. At this stage any specifically identifying, detailed descriptions of violent events were not transferred from transcripts to evidence files in full and participants were allocated pseudonyms so that they were not identifiable at this stage of the analysis. Within each theme transcript evidence was then carefully re-examined and re-organised into subordinate themes and each subordinate theme was named to represent the way in which its meaning was unified. The codebook was then redrafted to incorporate each sub-ordinate theme.

The codebook developed through this three stage process is reproduced in Table 1 below.

Table 1: Superordinate and Subordinate Themes: Analysis of Victim Participant Interviews

Part One: Before this arrest	
<p>Superordinate Theme: A history of violence</p> <p><u>Subordinate Themes:</u> This incident was not the first Drugs Weapons Mental Health</p>	<p>Superordinate Theme: Emotional turmoil</p> <p><u>Subordinate Themes:</u> Fear Shame Love and sympathy Control</p>
Part Two: Arrest and court proceedings	
<p>Superordinate Theme: Intimidation, coercion and threats</p> <p><u>Subordinate Themes:</u> He came straight back I'm afraid Denying Blaming</p>	<p>Superordinate Theme: Going to court</p> <p><u>Subordinate Themes:</u> (Not) going Love and fear If it had been safe Delays</p>
<p>Superordinate Theme: Contact with court</p> <p><u>Subordinate Themes:</u> Community advocates and victim advisors Statements for court Helpfulness Disappointments Follow up</p>	<p>Superordinate Theme: Chances to change</p> <p><u>Subordinate Themes:</u> He had to do it Still angry</p>
Part Three: After court	
<p>Superordinate Theme: He didn't learn</p> <p><u>Subordinate Themes:</u> It wasn't a lesson More of the same It means nothing</p>	<p>Superordinate Theme: What keeps me safe and doesn't</p> <p><u>Subordinate Themes:</u> Silence Making the decisions Neighbours Friends Family support Protecting the kids</p>
<p>Superordinate Theme: Things have changed</p> <p><u>Subordinate Themes:</u> Different, and yet Family healing</p>	<p>Superordinate Theme: My responsibilities</p> <p><u>Subordinate Themes:</u> Leaving my home Separating Legal orders for protection Aftermath</p>
<p>Superordinate Theme: Messages</p> <p><u>Subordinate Themes:</u> For other women For the court</p>	

Subsequently, the remaining interview transcripts and notes were individually coded, and special attention was paid to identifying substantive differences from the information provided in the initial interviews. Only the first subordinate theme of 'going to court' was altered in this process to account for occasions when a participant had attended her partner's hearings at the WFVC. No new themes or sub-themes emerged from the analysis of this data. Despite the small sample size of nine women participants, the results of this analysis suggested that superordinate themes were saturated after six interviews. Further sampling may have added specific detail to particular themes or sub-themes however the saturation of the superordinate themes suggests that the small sample produced a robust analysis.

Key informant interviews were separately analysed, and the same process of individual coding, comparing and contrasting codes, identifying emerging themes, organising sub-themes and developing and re-drafting a codebook was followed. The codebook that emerged from the key informant interviews is reproduced in Table 2 below.

Table 2: Superordinate and Subordinate Themes: Analysis of Advocate Participant Interviews

Part One: Knowing her history	
<p>Superordinate Theme: Taking history into account</p> <p>Subordinate Themes: Understanding the dynamics Specialisation The role and value of advocates</p>	<p>Superordinate Theme: Fear</p> <p>Subordinate Themes: Risk of retaliation Intimidating court proceedings</p>
<p>Superordinate Theme: Blame</p> <p>Subordinate Themes: Responsibility and guilt Pressure to rescue</p>	<p>Superordinate Theme: Protecting the kids</p>
Part Two: Court and other legal interventions	
<p>Superordinate Theme: Statements for court</p> <p>Subordinate Themes: Reliably safety assessments Benefits of collaboration for victim safety</p>	<p>Superordinate Theme: Chances to engage in change programmes</p> <p>Subordinate Themes: Consulting her Sentenced to change Paying for it Taking their time</p>
<p>Superordinate Theme: Going to court</p> <p>Subordinate Themes: Only if necessary Love and fear Evidence from defended hearings Safety measures Delays and judicial monitoring Delays and defended hearings Making the decisions</p>	<p>Superordinate Theme: Chances to stop re-offending before imprisonment</p> <p>Subordinate Themes: The path to prison Protection from orders</p>
Part Three: Other safety considerations	
<p>Superordinate Theme: Meeting the needs of immigrant victims</p> <p>Subordinate Themes: Limited community services Accounting for cultural difference Obstacles to safe intervention</p>	<p>Superordinate Theme: Safety and sentencing</p> <p>Subordinate Themes: Imprisonment Home detention Community work Fines Section 106 discharges without conviction Same day sentencing</p>

In the final stage of analysing the interview data, we drew on the thematic analysis of interviews with women victims and advocate key informants to identify the specific events and relationships involved with implementation of the protocols of the WFVC, the conditions under which the WFVC affects safety for victims, and the way in which participants understand key constructs informing the court. The research questions enabled us to use this information to assess the successes and challenges of the WFVC's protocols from the point of view of the participants.

The report of the second study presented the thematic analysis associated with three main temporal stages of the women's experiences of the WFVC. Each subordinate theme is presented through interpretation and evidence provided by the interview data. We selected extracts from the evidence files to illustrate our interpretation. Some extracts could be used to illustrate more than one subordinate theme. For example, the extract below was used to illustrate the sub-theme 'he came straight back' in which participants' experiences of their partner's disrespect for the non-association conditions of their bail were represented.

I woke up because I could smell something. My ex has always smoked dak and I hate the stuff. I smelled something and thought, "What the hell is that?" and I could taste it. He's sitting in the lounge smoking P (WP9, 101-103).

The same extract could have been used to illustrate the sub-theme 'drugs' because it includes references to her partner's history of drug use. Even though extracts could often provide evidence of more than one sub-theme we chose not to illustrate thematic overlap by choosing the same extract to illustrate different thematic content.

In reproducing the evidence from the transcripts, we excluded all potentially identifying detail and where information has been necessary for the sense of the participant's account to be maintained, specific details have been replaced with general categories. For example, all names were replaced with [name], and details of places have been substituted with such phrases as [place that we went to]. In some cases, even the gender of particular relatives has been obscured, for example replacing 'my brother' with [relative], to assist in maintaining participants' confidentiality. As an additional device to protect confidentiality, we did not follow the usual practice of providing pseudonyms for participants when citing evidence from their transcripts. Even though we have removed identifying material, it is possible that confidentiality could be breached if specific episodes were able to be connected with a particular participant. To disrupt the possibility of breaching confidentiality by providing evidence, we have allocated transcript numbers within each theme. This allows readers to identify different voices within each theme without being easily able to connect them between themes. All evidence from the transcripts is archived for five years and then destroyed.

In the final section we present assessments of the aims of the WFVC from the point of view of some women victims and key informant advocates that are based on the ways in which the content of thematic analysis addressed the research questions.

Thematic Analysis: Victim Participant Interviews

4. Part One: Before this arrest

4.1 Theme: A history of violence

Since it is widely understood that few victims of intimate violence report violent incidents to the police, and that there are less arrests than there are reported incidents, we were not surprised to find that all the women participating in this study reported a history of physical violence in their relationships with their partners prior to the arrest that resulted in contact with the WFVC. In the following sections we report on four sub-themes emerging from the women's accounts of their partners' historical, physical and controlling violence against them and provide the evidence of these histories as well as their associations with drugs, weapons and mental health issues.

4.1.1 Sub-theme: This incident was not the first

For some participants, the history of physical violence in their relationships had continued over many years and involved multiple incidents in which they had been assaulted.

My partner had assaulted me on many occasions (WP1, 11).

...it was probably about a [number of years long] relationship. Umm, and he probably hit me about five or six times through that time (WP2, 446-447).

...over the years there was a bit of violence, the odd punch or the slap, that sort of thing (WP3, 3-4).

I've been married for [a very long time] and this marriage – I think a month after that is just when everything started, like things were very nice and then, things all of a sudden changed (WP4, 19-21).

And a few times he was violent. [Soon] after I got married (WP5, 259-260).

It is noticeable that in some of these examples, participants did not speak directly of the violent incidents as serious, and their use of language emphasised that the physical violence they experienced was relatively infrequent. This emphasis functions to minimise the violence they experienced in relation to a stereotype of intimate violence as battering that is both frequent and serious. This minimisation, though, can be understood as placing the physical violence in the context of ongoing emotional and psychological violence. As participants explain:

...a lot of it was not a lot of physical [assault], more a mental injury I suppose. And it really was every single day brainwashing, with the threat of violence (WP6, 318-320).

...all this emotional abuse had started – right from the first day, it had started (WP5, 314-315).

At the time I didn't even recognise it as violence to be honest, I just thought; "it's normal, just a couple's tiff", I thought. But then I realised...when I saw all my other friends with their partners, I realised that ours was a bit of an abnormal kind of relationship (WP5, 277-280).

No one described the event for which their partner was arrested as a 'one off' act of violence, or as an act that was 'out of character' for their partner. Indeed, some of the men were known to have histories of physical violence in previous relationships,

I have since found out he has knocked around previous girlfriends; he has done it all his life (WP3, 611-612).

On occasions, these prior histories of violence were revealed in the men's actions,

'Cause when he was hitting me he was like, "oh you bitches are all the same", you know. So he has obviously done it in the past to his previous girlfriend (WP1, 24-25).

For some participants, the realisation that their partner was capable of acting violently towards them dawned slowly,

It was a really on and off relationship and at the beginning he was fine. And then a few months down the track I started noticing little things about him, how he would speak to his mother and things like that and I just kind of let it go, and once he started hitting me and stuff like that I didn't tell anyone (WP7, 230-233).

You know, he is a nice person, and yeah I fell in love with that nice person but then "hello"... (WP8, 422-424).

Others believed that they would be able to manage their partner's violence without any police intervention if they took responsibility themselves and responded appropriately,

I was like, things will get better. He just needs positive reinforcement, encouragement, all that...you know, things will come right because there were of course times when things were good (WP3, 4-6).

...with him it was 120%. I tried every damn thing I could think of to save my marriage in every way, and yeah cook him lovely dinners, and have talks, I would tolerate his abuse (WP5, 673-674).

Some participants did not speak directly about the history of physical violence in their relationships, although their interview responses included stories that implied such a history. For example, in one case we were told about a participant's relationship with her doctor that suggested that she had presented with physical injuries,

I mean I talked confidentially, but yeah, it was hard to actually tell the doctor he had done that to me because [partner]'s such a nice person (WP8, 421-422).

In another example, historical violence was implied in an account of threats made by the participants' partner in relation to the possibility that she might call the police,

...years back when it first all started... the first time, there was pretty much nothing that anybody could do to remove me and my children from where he was. It got to, you know, if you call the cops I'll kill you, kind of thing (WP6, 8, 10-11).

Despite these histories of physical violence against the participants, for some of them the incident that led to them being involved with the WFVC was the first act of violence they had reported to police.

...it was his first offence apart from like driving offences (WP7, 75).

I think I was just in shock anyway so yeah of actually making that step [of calling the police] (WP8, 9-10).

I had enough in the end, called the cops... [I] thought I was going to die. I called the cops and so he had to go to court obviously (WP1, 11-13).

In some cases, though, the participants had called the police on earlier occasions, and there were prior histories of arrest,

...my ex had quite a few charges over [more than 10] years. I think I called the cops on him, maybe three times (WP6, 8-9).

I'd had the police involved with him a few other times (WP2, 25)

For those who had called the police in the past, reporting another violent incident was not necessarily regarded as a safe strategy for intervention. For example, when speaking of historical violence one participant told us that,

...it usually used to [get worse after arrest] that's always the big thing. Once you call the cops then you're a nark...The first couple of times was really, really, really bad and then, just the last time, I couldn't call the police. I managed to make it through the night time, come to work in the morning (WP6, 147, 152-153).

Although this participant had sought assistance from Refuge, her circumstances were such that she was advised to use criminal justice interventions,

I own everything that I have, so I didn't meet the typical stereotype. I felt I didn't meet that, so they kind of advised that maybe I go through the police and start getting him locked up and go through those, the court avenues. So then it took about another six months before I started doing that (WP6, 14-17).

Whether the women had called the police previously, or only on this particular occasion, whether they had sought interventions elsewhere or attempted to manage their partner's violence towards them without seeking help, and whether or not they chose to speak openly of prior violence in their interview, we found no evidence of uncharacteristic or 'one off' violent episodes within their accounts. For all of these women, the events that brought them into contact with the WFVC were part of an ongoing pattern of violence within their most intimate relationship.

4.1.2 Sub-theme: Drugs

The women's accounts of historical physical violence in their relationships were often linked to their partners' (mis)use of drugs. It is well reported in the literature that alcohol and drug abuse is as risk factor in persistent violence (Cattaneo & Goodman, 2005). In some cases,

participants linked drugs with specific instances of violence they had experienced. For example,

He was suicidal...saying he was going to kill himself and me and all the children, everyday for three months we were locked up in the house...he was smoking P (WP1, 511-514)⁵.

Well for me it was easier having [the police] there because he was an ex-partner even at that time, and I think he had been using P and that, like maybe the day before, and I had just bought [an item for myself] so he wanted [one too]. He felt like, I should give it to him (WP2, 37-39).

At other times, (mis)use of drugs were associated with accounts of the way in which the women managed physical or emotional violence directed against them,

And I knew that shit was going to hit the fan if I didn't take him up to [that place]...he likes the [prescription drug], that's what it was about. And everything had to be about him (WP3, 59-61).

I would defend my ground because some of the stuff he would say... like, you know, oh just completely warped... he smoked P (WP4, 225-226).

...he'd be really violent aye, if he didn't have his drugs. It was terrible to the point that I would even sometimes take some of his drugs, his marijuana and hide it and then when he ran out you know I'd have it for him so that I would not have the behaviour of not having it, just to safe guard me (WP5, 249-252).

While alcohol was rarely mentioned, (mis)use of illegal drugs such as methamphetamines and marijuana were relatively common. The women's accounts of their experience of historical violence and its associations with drug (mis)use resonate with risk assessment literature where the use of alcohol and drugs is understood as associated with violence even though evidence of a causal relationship is lacking (Robertson et al., 2007). The association between violence and misuse of alcohol or other drugs is often used to mitigate men's responsibility for violence despite the lack of evidence of causality. None-the-less the impact of alcohol and drug misuse on families needs to be seriously addressed in contexts where violence also damages families.

4.1.3 Sub-theme: Weapons

As well as the (mis)use of drugs, some participants in this study talked of their partners' ownership of weapons or associations with others who own weapons, in the context of the violence they had experienced. Their partners' ownership of weapons was linked explicitly and implicitly to his risk of dangerousness.

He is very dangerous...I know for a fact from his [associates] that a lot of them have weapons. I have seen them; like umm, like firearms, guns and stuff (WP1, 100-101).

And also he's into [sport involving weapons]...he's got all the weaponry (WP2, 257).

⁵ Suicide threats are treated as indicators of serious risk in safety assessment instruments developed by New Zealand Police and used by some Community Victim Service organisations.

Sometimes their partners' possession of weapons had come to the attention of the police on previous occasions. For example, one participant reported that,

...he had some weapons charges cause he loved the [that weapon], umm that's all I know [about charges] (WP3, 203-204).

Possession of weapons constitutes an additional threat to women whose partners have historically used physical violence against them. These women's accounts of their partners' weapon ownership and the value that weapons have in their partners' lives warrant the inclusion of restrictions on the possession of weapons as a standard feature of bail conditions in the WFVC. Access to weapons is an acknowledged predictor of risk, and was clearly a factor in the victim participants' assessments of their own risk of harm. It is important to remember, however, that everyday and household items may be used as weapons in physical assaults. While orders send a message that the court takes the threat of weapons seriously, they do not, in themselves, prevent weapons being used against the women whose partners are violent.

4.1.4 Sub-theme: Mental health

In some cases the women also spoke to us of mental health issues that their partners experienced. One example involved an account of the participant witnessing her partner's mental health crisis. This story was embedded in a more extensive conversation of the history of violence in their relationship.

So I rang the ambulance and he got rushed up to hospital, and that was a really, it was an experience, because I went up...to the hospital to see someone going through a [mental health crisis] (WP1, 135-138).

In another example a participant spoke of her frustrations at the lack of support available to her partner when he was unwell, and the level of dangerousness that she witnessed in his behaviour, not only to herself but to others as well.

He's also under mental health, they did nothing at all and so nobody would come in and take this man out of my house...he was trying to kill people, not just me, other people, other members of the public. People, you know, on the side of the road - he would jump out and try and kill him and nobody would take him away (WP2, 41, 43-45).

Mental health issues were associated with risk of dangerousness by some of the participants yet mental health services are not routinely included in the specialist services provided by the WFVC. Although it is possible for the Judiciary to order a psychological assessment for a defendant if mental health issues are reported in relation to the specific event for which the defendant has been arrested. If such reports are ordered it is crucial that they take account of the effects of mental health problems in the ongoing context of an historically violent relationship and do not focus only on assessing the influence of mental health issues on the specific offence for which the offender has been charged.

4.2 Theme: Emotional turmoil

The theme of emotional turmoil emerged in relation to the histories of violence in the women's relationships as they talked about their emotional responses to past assaults, and to social

relationships which were affected by these incidents. Fear, shame, love and control were all associated with previous violence.

4.2.1 Sub-theme: Fear

Fear emerged as a sub-theme through some participants' accounts of specific incidents in which their partner's past behaviour was interpreted as threatening. For example,

...another very violent thing he used to do – he'd start speeding the car, he would lock all the doors and he would speed his way through all the little narrow roads and scare me to death...even now...[the] fear hasn't left me yet.. He really scared me (WP1, 410-413).

...that was scary - being stuck in the car with him (WP2, 799).

I looked at him and I thought something isn't sitting right and I thought oh god, I automatically thought of the [other] incident and thought oh cripes, so keeping things very low key, like he's [big and could] hurt me, really badly (WP3, 120-124).

In other accounts fear was associated with a more global recognition of the threat posed by ongoing violence in the relationship,

...at the time I was like, oh my god I'm going to be like this for the rest of my life, he's going to come in and kill me in my sleep and [felt that] all over and over all day and all night (WP4, 387-389).

Fear is widely recognised in the academic literature as an emotional factor in the dynamics of intimate violence that inhibits women victims' likelihood of reporting violent incidents to agents of the criminal justice system, and maintains their partners' control over the women's behaviour and resources (Hyden, 1999). Its association, here, with the participants' history of violent incidents suggests that even before the arrest which brought their partners before the WFVC, the ongoing dynamics of intimate violence were impacting on the women's wellbeing and safety. Their partner's arrest took place in a context where these women were already living in fear of their partners' capacity to harm them.

4.2.2 Sub-theme: Shame

Psycho-socially shame is regarded as one of the 'self-conscious' emotions, and is expressed through such terms as embarrassment and guilt. It is also one of the emotions associated with intimate victimisation (Yllo & Bograd, 1988). In the current study, participants' experiences of shame prior to their partner's arrest was sometimes referred to globally and explicitly, for example

I felt a lot of shame as well. I was really, really ashamed and embarrassed for what I went through (WP1, 322-323).

On other occasions it was associated with specific incidents that were being discussed,

We had screaming matches in front of my sister you know, just yeah, he'd just lose the plot in public and it was so...embarrassing (WP2, 428-429).

There were also instances where shame emerged as a fear of the response of others' finding out about the violence, or with reference to others' expectations of how the participant should have responded to the assaults they experienced. For example,

I felt scared, I just felt scared that other people are going to, you know, our friends are going to find out, you know stuff (WP3, 198-201).

[Others said] I allowed it. I should have just called the cops and got him locked up (WP4, 362).

And all the time all the family members used to come over, relatives from [geographical location]. I had hid the truth from everybody because I kept thinking it's probably me, it's probably me (WP5, 520-521).

Shame has been reported as a barrier to safety (Koss, 2000). Shame at having experienced assaults by their partners or at having their personal relationships or responses scrutinised by others contributes to the emotional cost that these participants recount in relation to the history of violence in their relationships. At the time their partners were arrested they were already self-consciously aware of a burden of responsibility that they carried for protecting themselves and their partners from the social consequences of being identified as victims and perpetrators of intimate violence.

4.2.3 Sub-theme: Love and sympathy

While fear and shame are commonly understood as emotionally unpleasant experiences which evoke avoidance and impact on safety and wellbeing, the theme of emotional turmoil emerges clearly when the usually psycho-socially sanctioned experiences of love and sympathy associated with intimacy enter into the women's accounts of the history of their relationships. Love has been previously investigated in relation to the dynamics of intimate violence as contributing to the continuance of the relationship and the silence which women victims often maintain about their victimisation (Townes & Adams, 2000).

Some participants in our study talked about the way in which love, and sympathy, worked to maintain their relationship with their partner despite assaults, fear and shame. For example,

Foolishly...in a way because you love this person but you hate what they are doing to you, you kind of want to help them, in a way. I know that sounds stupid but you... kind of like think, "I can make it all better". And, you know, you want to see the good in the person (WP1, 78-80).

...but then you, of course I'd feel sorry for him, because he'd come and cry and say, you know, he's got nowhere to stay. And yeah so it sort of went on and off like that for several years (WP2, 440-443).

Although in these two examples the participants speak of their love or sympathy for the partner as if it was in the past, love did not always emerge as an emotional dynamic of their historical relationship for the women participants in this study. There were also examples of participants' references to 'still' loving the men who had assaulted them.

I still love him you know, he's lovely when he's nice. But he's fantastic you know, heaps of fun, but you know, like the weather, just changes like that, you know (WP1, 324-325).

But I love him, I loved him and I still love him, but I don't love his behaviour (WP3, 69-70).

The love that women feel for their partner and their commitment to their relationships are experienced alongside their attempts to end the violence that their partner perpetrates against them. Women's emotional experiences of affection and fear become increasingly problematic if their partners proclaim that love is reciprocated in attempting to appease women after an assault (Stubbs, 2007). The emotional turmoil of experiencing fear, shame and love within their intimate relationships provides a context of psychological trauma in which participants talked about their sense of being controlled by their partner prior to his arrest.

4.2.4 Sub-theme: Control

Within the research literature control is often presented as a motivating force in men's violence towards their women partners (Hamberger & Guse, 2002; Johnson & Ferraro, 2000). This understanding informs the strategy of coordinated community responses to domestic violence internationally (Robinson & Tregidga, 2007) and in Aotearoa. It also underlies the provisions and definitions of the Domestic Violence Act (1995). Some participants in this study talked explicitly of their partners as 'controlling', for example:

...like I changed my personality a lot. Like you know, I mean he was so controlling. I lost a lot of my friends. I wasn't allowed to hang out with them; couldn't go out you know. Even going to the supermarket, wearing this top, you'd be buttoning up so that was fully buttoned up like everything. I wasn't allowed to talk to people at work you know, yeah just very controlling you know. It did change my behaviour because I knew, you know. So you're constantly like, on edge, like you know, just waiting for him to explode. And his sort of anger would just go off (click of fingers) like that for no reason, no reason at all, just blow off the handle (WP1, 188-194).

I couldn't really tolerate living with him, he was very angry so yeah, he's probably not so, well not so much angry he's just very controlling, he wanted total control (WP2, 438-439).

...if umm I looked the wrong way, [to him] that meant that I was thinking something bad, you know. That excessive control and knowing that if I do piss him off, I could be dead. Or you know, he might take it out on [members of my family] or something, you know something like, all that kind of stuff (WP3, 341-343).

As is evident in these examples, control is enacted in anger and through threats. Threatening behaviour was reported by all participants, and they understood threats as a motivation for their own decision making. For example, in the following extracts threats were specifically associated with controlling the women's attempts to stop their partners' violence,

...he said he was going to kill me because I had called the cops...so that was...I didn't call the police again for about six or seven years (WP3, 658, 662).

People were saying: "stop it. You can't treat her like that". Well you're put in the situation, I really don't want to [do this] but if I don't it's going to be a thousand times worse (WP1, 439-441).

And in the extract below, control is associated with decision making more generally,

I've never made decisions like that you know. It was always, like, I'd ask him everything: "is it alright to do this?" or I'd just go ahead and pretend I knew what I was doing. And, but, always in the back of my mind I'd come back to him and go: "what do you think?" Because I couldn't think for myself, you know (WP3, 431-433).

4.3 Summary: Patterns of ongoing violence

For the women who participated in this study, experiences of safety throughout and after the process of their partners' arrest and court appearances occurred within the context of an ongoing violent relationship characterised by physical assault, and threatened assault, fear, shame, love and control – whether that history was witnessed, or not;

Even people that know us, that knew us and even saw some of my injuries... even they don't believe that every day was that bad (WP3, 318-320).

The accounts provided to us by participants are supported by other findings in the specialist domestic violence research literature. Barata (2007) reports emotional turmoil as associated with victims' experiences of ambivalence about separating from their partners to end the violence as well as fear of the threats posed to them by their partners. Stubbs (2007) discusses the shame, humiliation and guilt that many victims of intimate violence carry because of their experiences of victimisation. Victims are often isolated from other social and familial relationships by their partner's control strategies (Anderson et al, 2003) and critically need emotional support to enable them to plan for their safety, maximise the potential assistance of criminal justice interventions or end their relationship with their abusive partner (Kocot & Goodman, 2003). The implications of women participants' histories of violence are discussed throughout the following sections that concern their experiences of their partner's arrest and prosecution in the WFVC.

5. Part Two: Arrest and court proceedings

At the WFVC all family violence cases are recorded on Police Family Violence Reports and these reports are subsequently provided to Community Victim Services so that they are made aware of all family violence incidents attended by police and resulting in prosecution.

Two Community Victim Services organisations operate a call-out service for their clients as a function of the services that their non-government organisations offer in the community. When court Victim Advisors make contact with victims they outline the services that they provide, and they also include information on Community Victim Services. The 2005 WFVC protocols stipulate that CVS and VA are expected to liaise to ensure that their services in the court are not duplicated. The protocols recognise that VAs have a specific role within the District Court system but they do not offer the community based services that are offered by CVS.

When a defendant first appears before the WFVC he is not required to enter a plea. This strategy is intended to allow him to carefully consider his plea in view of the inducements offered to plead guilty, and the Judiciary's serious consideration of the problems that might underlie the offence. The Court Registrar adjourns the case until the following week unless standard bail conditions such as non-association or residential conditions are opposed, in which case the judge will hear the matter in the usual way. The victim's views on the defendant's bail conditions are taken into account by presenting them to the WFVC in a Memorandum or a Victim Impact Statement. Both Community Victim Services advocates (CVS) and court Victim Advisors (VAs) are able to prepare and present memoranda to the court under the 2005 protocols. Sometimes the defendant's first appearance is the day after his arrest and this does not necessarily enable time for the women to engage in advocacy services.

The partners of all the women participating in this study pleaded guilty although they did not necessarily do so at the first opportunity. At the time their plea was entered the men were referred to appropriate community services that are provided by member organisations of the Waitakere Anti-Violence Essential Services network to address the psycho-social problems interrelated with the violent offence. Referrals included anger-management, alcohol and other drug treatment programmes and/or counselling, usually focussed on the offender although sometimes also involving the victim. The participants' partners were sentenced after they had been monitored by the Judiciary throughout the time they were involved with interventions, and when convicted they received a sentence to "come up if called upon". This sentence is offered as an outcome incentive for attendance at therapeutic interventions addressing the offender's violence. The underlying assumption of therapeutic intervention for offenders is that their prosecution provides an opportunity for them to engage with help for change. The judicial process at the WFVC involves direct contact and follow up with offenders at the same time that CVS advocates provide information on the victim and family's safety to assist in the decision making process. This is intended to address the aim of taking a holistic approach to family violence on the assumption that offender interventions will assist in preventing further damage to their family and enhance victim safety.

5.1 Theme: Intimidation, coercion and threats

Recent statistical analysis of data from Viviana found that there was a peak in reporting repeat violent occurrences immediately after arrest (Coombes, et al., 2007). Within an adversarial system, the focus of risk is often on the offending. When women report violence they are seeking protective intervention. How their partners respond to arrest, and the way in which it is understood through an integrated community and criminal justice response needs to account for the effect of arrest on risk of further violence. It is a shared understanding of that risk between court and community agents that makes it possible to enhance victim safety. The women who participated in the current study reported a variety of repeat incidents immediately after arrest. Standard bail conditions at the WFVC include non-association orders which mean that defendants cannot contact victims without their consent. Defendants appear before the WFVC as soon as possible after arrest and may be released on bail so quickly that their partners have not had the opportunity to engage with victim services beforehand.

5.1.1 Sub-theme: He came straight back

Threatening and intimidating actions were reported by women participants, in some cases even before the defendant's arrest had been processed by the police,

In the police car he had his cell phone and he called, he was texting me in the back of this police car, when he was arrested [saying] "how could you do this to me? How the fuck could you?"... And I was like eyyaa...how could they let him use his cell phone? I couldn't believe it (WP1, 473-476).

Cell phones play a role in ongoing intimidation and threats when the defendant's bail conditions explicitly prevent association with the victim. They provide a way of accessing victims to intimidate, threaten or coerce them without direct contact. However, bail conditions did not always result in non-association.

[The WFVC] released him on bail the next morning and [the police] dropped him off at my house, so yeah that's where I started thinking this system is not working for me (WP2, 19-20).

...he got out the next morning, of course, and straight up to my place (WP1, 13-14).

When he got bailed we had an incident (WP3, 329).

But I was really shocked at how [the police officer] was saying they were going to bring him back there because he doesn't have anywhere else to go. And I was like "WHAT?" Do him good to stay down there the night, teach him a lesson you know (WP4, 49-51).

But [he] doesn't get it – he runs back (WP5, 61).

...when he comes out, straight out of the courtroom, and he will come and abuse me for a little bit. After that he will just totally calm down for a few months (WP6, 1614-1615).

Some of the women were clear that their partners were not welcome to return after they were bailed, and the women had not given consent for contact. They also quickly became aware that they carried the burden of responsibility for ensuring that 'no contact' was enforced when required. For example,

...he came home... as if nothing had happened. I rang [victim support] and said "what do I do?" And they just said to ring the police and they would come over and just have a chat with him (WP4, 40-42).

Often participants reported that their partner's disrespect for the non-association conditions of their bail meant that they returned to the women's homes, uninvited and unwelcome, at various times while their cases were before the court.

I woke up because I could smell something. My ex has always smoked dak and I hate the stuff. I smelled something and thought "What the hell is that?" and I could taste it. He's sitting in the lounge smoking P (WP3, 101-103).

I opened up the curtains and sure enough he walked passed the window welding two big knives (WP2, 630-631).

Sometimes, though, the women reported consenting to contact and withdrawing non-association orders. This resonates with the possibility that some women victims retain a commitment to their relationship in the hope that the violence has ended.

Yeah, he wasn't allowed [contact with me] and I had to withdraw that because you know a couple of weeks down the track, of course stupidly... I withdrew it, withdrew it...so he could have contact umm, kind of was like why did, you know, in a way looking back it's like "why did I want to do that?", but I couldn't help my feelings (WP1, 126-132).

Sometimes they told us that they hadn't given consent to contact, and had not requested changes to bail conditions, but they didn't explicitly object to the contact when their partner used persistent strategies for contact. For example,

He'd, he'd ring and just bowl over anytime he felt like it, hmm, so umm, for the most of it I don't mind. But I said to him, "you've got this thing going on for the court you're supposed to listen to it". He said, "hmm what's that?" (WP7, 163-165).

In relation to the following example, the participant explained her agreement to contact by referring to her continuing relationship with her partner, his cultural expectations, and her motivation for not entering into another relationship.

But he still, he still treats me like I'm his girlfriend, you know... you think: "I could walk in the house make me a feed", but then I think a lot of that comes with Māoridom you know, that's what we with Māori, we do walk into each other's homes and its like, you know (laugh), its fine . So yeah, in his head its fine, he's not being disrespectful to me, he's just doing what he wants to do. But yet I know if I had another partner he wouldn't just do that (WP7, 179-184).

In another example, a participant's reason for not entering into a new relationship involved compliance and fear she experiences when her violent partner returns to their relationship.

I mean we have been on and off about [a few] years now. Yeah, you know, he'll come back but still angry and you know that's how stupid I have been for him, but he does

scare the shit out of me. Like I said, the last thing I want, I'm single and I really don't want to get a partner 'cause I'm too, basically too scared (WP1, 306-308).

In some cases non-contact between the defendant and his partner were clearly breaches of bail and participants told us about reporting these incidents to police. Despite bail conditions set by the court, the violent partner was not charged with a breach of bail.

...they only [charged] him for some kind of [range 3500 offence]... or something like that and they dropped him back off the next the morning (WP2, 28-30).

...he wasn't charged with the other [breach]. He, umm, I think it was just [range 3500]. He wasn't charged. Nothing happened (WP1, 251-252).

In these instances the women were disappointed that the arrests did not result in charges that reflect the court's intention to protect them as far as they were aware. It is possible that in such cases the police will charge the defendant with an offence for which they have clear evidence, enabling them to make an arrest and remove the offender. The outcome for these participants is that their partners are not held accountable for breaching their bail conditions. And after subsequent arrests, the defendant may also come straight back, again. In some instances, the women participated in their return since they are left to carry the burden of responsibility for his unwanted contact while they are also afraid of his threats and possible retaliations.

...the next time after that, he got himself arrested. I think neighbours might have called the police and the cops came and took him and I told them; "he doesn't live with me anymore". Yet they let him ring me again, the next day, to come and pick him up and I was in no position to say no, so I went and picked him up. And yeah, so it went on like that a few times (WP2, 30-33).

Arrests and bail conditions do not necessarily prevent defendants from gaining access to their partners and with greater access there is more opportunity for intimidation, coercion and threats.

5.1.2 Sub-theme: I'm afraid

Having explained their previous histories of violence to us in the context of talking about how they came to be involved with the WFVC, participants often spoke openly about how afraid they felt after their partner was arrested. Some participants spoke of the way they interpreted the seriousness of their partners' threats. For example,

Oh I was terrified for months that he was just going to turn up in the middle of the night, him and his [relative] and just kill me, but umm not anymore (WP1, 573-574).

...definitely he has the ability to kill someone very easily. He has threatened it multiple times on other, you know, on other people. Like, I mean, I guarantee if I had cheated on him he would have killed someone because of that (WP2, 93-95).

Some women justified their fears based on the risk assessments that external agencies assigned their partner;

And [the health professional] said that...basically left out in society one of two things will happen. There's a likelihood one or two things will happen, he will either end up in jail because he will end up killing someone, or he will kill himself (WP3, 548-551).

Or their own previous experiences;

I blacked out and he started suffocating me...and stuff, to where I could not breathe... to this day I'm still scared of him (WP2, 52-53).

I mean I could still feel very intimidated by him when he's angry because I know his strength (WP4, 264-265).

Some spoke of their partner's response to legal intervention, and were afraid of escalating violence.

I think he was scared of the fact that I would probably call the cops again, but which then sort of scares you a little bit more 'cause of him knowing that well, well, he should probably just finish the job properly (WP2, 179-180).

I got really, really scared so I was just waiting for the next thing because that [breach] was like a warning (WP5, 63-64)

The intimidation, coercion and threats that some women described as their partners' responses to arrest were also understood to contribute to a cycle of reconciliation that lead to an escalation of violence. For example;

I think it escalates because what you do is you take them back and they think "oh well you know". That's what I think escalates it. Because then they know that you're not maybe going to do that [call the police] next time, you know. Because they beat you and they say: "if you ring the cops this time, you know, look out" (WP4, 252-254).

Escalating violence, intimidation, coercion and threats subsequent to arrest take place within a relationship in which these women participants were already experiencing emotional turmoil, control and physical assault. Even though reported re-offending peaks after arrest, evidence of their partner's ongoing emotional assaults from these women participants speaks to the possibility that this 'peak' under-represents the occurrence of subsequent intimate violence. In these circumstances, under-reporting of repeat offending is likely.

5.1.3 Sub-theme: Denying

Some participants reported that after their partner's arrest, he denied any wrongdoing even when the police had clear evidence of assault. For example,

He just got more angry at me as he went through the court process as if it was my fault that he's there. He did nothing wrong you know: "I've done nothing wrong, it's your fault. I have to plead guilty" umm, you know, telling me "go, don't [let them] take me away" you know, "tell them that I didn't do it". I said to him: "they have got...photos of me, with bruises...how the fuck does that happen?" You know he got more and more pissed off and he couldn't get out of it you know. In his eyes he was completely innocent, and to this day he is innocent (WP1, 476-481).

They also told us about their partner's attempts to coerce *them* into denying that there were grounds for legal intervention in their relationships. For example,

He tried to make me go back to the police station and say he didn't do it...I said; "look I can't do anything, it's out of my hands now," which was the best thing. "Look it's out of my hands", 'cause he's like, you know, "You have to go, you have to go," so of course you get bullied. They bully, you know. So I'd gone and...tried to [retract] and the cops had said; "You know all the evidence is there, and we can't, we can't take it back now" (WP1, 66-76).

He hated [the Protection Order] you know and he wanted me, even now, to get it dropped, but I said to him, "oh I can't, can't drop them"...yeah so he still swears a bit and carries on (WP2, 231-232).

These accounts suggest that 'successful' retractions may be associated with threats and coercion from the perpetrator. In such circumstances a victim's decision to withdraw evidence cannot be regarded as voluntary, although clearly the decision *is* related to her ongoing safety. Participants in this study also provide clear accounts of the way in which their partners refused to accept responsibility for their violence and used psychologically abusive strategies in their attempts to avoid the consequences of their offences within the criminal justice system.

5.1.4 Sub-theme: Blaming

Along with stories of their experiences of re-offending, bail breaches, fear, intimidation, coercion and threat, some participants told us that their partner blamed them for his arrest, without taking any responsibility for the actual violence himself. For example:

Basically everything was my fault, that I had him arrested, and put him in jail for two nights. I thought it was one night but he did two nights (WP1, 205-206).

...in his eyes it was all my fault, I was evil for, you know, even then. Like you know, covered in bruises, had hand marks around you know....but still (WP2, 15-17).

We did all that [statements], while we up [at the police station], because that took some time. My cell phone started going and I was getting texts; "what have you done?"(WP3, 238-239).

And he cursed me and cursed me and cursed me – I'm the one who's broken his furniture, I'm the one who's driven him away by putting so much pressure on him: pressure by police, pressure by...Child, Youth, Family (WP4, 1180 – 1182).

In cases where participants could clearly assert that they did not have any decision making role in their partner's arrest, they were relieved, and did not feel blamed even if accusations were made against them;

So [the arrest] was more sort of a chance thing than anything that I had to do, so yeah that kind of lifted the blame off me (WP5, 154-155).

We noticed that some participants who had not told us stories about their partner breaching non-contact orders, or coercing the withdrawal of the orders, did talk about phone contact as a medium for blame.

We are aware that in most cases, WFVC proceedings begin very close to the defendants' arrest; usually within 24 hours. Bail conditions are ordered quickly and involve standard non-association orders and residential orders. Protection orders may also be in place if the Family Court has previously granted these orders. None-the-less, some of the participants in this study were already experiencing their partner's attempts to intimidate, coerce and threaten them as a consequence of the arrest before he was required to enter a plea in his court proceedings. And these attempts were made against a background in which historical violence had compounded the women's physical injury with emotional turmoil and fear.

5.2 Theme: Contact with court

5.2.1 Sub-theme: Community advocates and victim advisors

Few participants spoke directly of contact with the WFVC, and those who did were clear that their contact was mediated by Community Victim Service Advocates or Victim Advisors (VAs). For example:

...a couple of times on the day of his court hearing they [advocacy service] did ring me and just to say 'okay this has happened' and they just informed me of what has happened but apart from that I never had much contact with [the WFVC] (WP1, 1789-1790).

I didn't really get much contact with the court as such; it was really good that [advocacy service] was here, this service... It was so nothing, there was nothing, you really did not know what the hell was going on (WP2, 29-30, 572).

Some participants were also clear that they had little or no contact with Victim Advisors. For example,

... [no advisors] from the court ever contacted me, nothing, absolutely nothing, ever... there's no support through the court that I know (WP3, 194-195).

What little contact they did have was often through the mail.

I'm still waiting to get [information on sentencing] in the post actually. I don't know exactly what's happened with that. He told me himself over the phone...I'm expecting someone [from advocacy service] to contact me, but the court hasn't told me anything (WP3, 122-123, 139).

The court Victim Advisor? Oh yeah, not much, no not really. You sort of get this letter and I have to go digging through [stuff] and I sort of hid them all from him because I'm like "Christ I don't want him finding any of this". Sort of better he didn't find any of that, yeah, I hid it somewhere at home, but not much detail of what's happening (WP2, 557-563).

As is evident in these examples, contact with VAs by mail has two interconnected disadvantages; the speed and safety of the information flow. Mail contact is slower than phone contact and means that the women may have received the information faster from their partners than from the advisors working in the court. In the case of sentencing information,

especially where bail conditions are no longer in force, speed of information that enables safety planning is vital. Once sentencing has been finalised, the women have no legal recourse to protection from unwanted contact unless they apply for protection orders⁶. It is worth remembering that many of the women's partners did not respect bail conditions, however after they are sentenced the women have no legal recourse to protection from unwanted contact unless they take out other legal orders. If they are not forewarned, women face their partners' responses to sentencing without time to gather the resources they may need to ensure their safety. Rapid information flow is essential to ensuring that women have the opportunity to seek the support of advocates in bearing the responsibility for their safety. Sentencing is also a time of peak reported re-offending at Waitakere (Coombes et al., 2007), so rapid communication becomes a safety issue and a responsibility of the court. Contact by mail is also understood by some women as providing provocation to their partners if it is found, and at the very least it requires that they take responsibility for the increased risk to their safety through exercising vigilance by hiding the information.

Some participants received phone information consistently from Victim Advisors and Community Victim Services,

There was someone, whenever he had an appearance at court, someone from the court used to ring me, as well as [advocate organisation] (WP4, 598-599).

For others, community advocates provided the phone contact, and mail was sent only when they had assessed its potential risk to the women's safety.

I knew everything that was going on and they were really good at information and that. And they [would] always ring me as soon as the court was finished to let me know how it went and what happened. Then they would send me information in the mail, you know, so I didn't have to look at him or deal with him (WP5, 99-102).

When the women are aware that mail is being sent to them they have the opportunity to plan their safety in advance of its arrival. Phone contact can also be used to let advocates know that they are unsafe to receive mail.

Those women who talked about working with court Victim Advisors were aware of the District Court services available to victims prior to their partners' arrest and engaged with these services as well as the Community Victim Services. For example,

I was working with the court Victim Advisor and the [advocacy service] also contacted me. So I had both going (WP4, 295).

In these cases participants took advantage of all the services available to victims through the court process. Sometimes first involvement with Community Victim Services came when advocates made contact as a result of receiving information from the police. Flow of information between police and CVS was one of the ways in which police facilitated contact between the participants and the advocates. Some participants also told us of police referring them to Community Victim Service organisations.

⁶ Although the imposition of non association orders is a sentence recommended for judicial consideration within the 2005 protocols, the granting of such orders at the time of sentencing is rare according to the statistical analysis of the Viviana database conducted recently. Non-association orders are granted in only 1% of sentences passed for intimate partner violence against Viviana clients in the WFVC during 2005-2006 (Coombes et al., 2007).

The first information that many received about available advocacy services was at the time that their partner was arrested. For example,

...the police had said to me about umm [advocacy service] or something, or do they want me to pass my name onto them, or something like that. It happened yeah. I didn't know about [advocacy service] so they let me know about it (WP6, 63-65).

In some situations the flow of information worked well to engage clients with advocacy services. In the following example, the flow of information between police, CVS and the participant converged to produce a rapid response to her safety needs.

Yeah [the police] just sort of calmed me down... [I gave a] statement. Yeah, asked me what I would do and they would deal with him. [I could] go and maybe get some support somewhere. They said [advocacy service] and they recommended that I go to the doctor first. So while I was at my doctor's my [advocate] rang just to say there was a spare appointment at a certain time that day. So yeah it was like; "oh my god, I'll have that". Then I went to the [advocate service] and yeah and they were really supportive (WP5, 12-16).

In others, the flow stalled. Notably, this situation also involved written information. In the example below, it was pamphlets.

I remember a policeman giving me some pamphlets and things like that but I don't think it was a court person... You don't even think twice about those, you just put them in your bag and forget about them (WP7, 452-453, 457).

Some participants talked about having already engaged with advocacy services to seek support for ending the violence prior to their partner's arrest. For example,

It got to the point where I'd had enough, and I started going to [advocacy service] and trying to get help (WP3, 12-13).

The evidence provided by women victim participants in this sub-theme demonstrates that both Victim Advisors and CVS advocates were variously engaged in supporting the women. Of critical importance to the extent and effectiveness of victim engagement with support services was the collaborative information flow among all those agencies involved with the women's cases. Despite the variations in levels of engagement with victim services, all participants engaged with CVS so that advocates could pass information to the court on their behalf as is discussed in the following section.

5.2.2 Sub-theme: Statements for the court

Participants reported providing a variety of information to the court through memoranda and impact statements prepared by CVS advocates, and the women understood these were to address particular issues in relation to their safety. The women understood that they were able to represent their own views on their safety and their relationship with their partner to the court through these statements.

I did the whole victim impact things and that kind of stuff, umm to do with his court cases (WP1, 55).

I was told by both [advocacy services]; “what you give to the courts for each of his hearings has to be to the point and brief” (WP2, 589-590).

I came here for an impact statement and I, that was to be read to the judge I think, yeah...I said that I was scared of him, umm I lost a lot of self esteem and confidence because of what happened (WP3, 89, 93-94).

I went to court, yeah, I was there with him and...yeah, yeah. [Advocacy service] had a memo and that stated that, you know, how we can help him and that’s when I said; “probably, you know, do some anger management” because [advocacy service] had some options [for] how they can change him (WP4, 167-169)

While impact statements provide victims with the opportunity to say how they have been affected by the offence, all memoranda provided the women with an opportunity to say how their relationship with their partner was changing, or not, through the judicial monitoring process. Memoranda provide the court with a representation of the systematic and ongoing violence that the women face, and their views on their current levels of risk. For example,

I’d say things like; “well he hasn’t smacked me in the head in the last month, but I know if I don’t jump when he says so, he’s going to. So I jump when he says so,” yeah. That kind of thing I did mention, definitely, because that still sort of sticks (WP1, 325-327).

From the women’s point of view, the victim advocates who prepared their statements gave them opportunities to voice their concerns, even if that did not involve making changes to their statements over the period of judicial monitoring.

[In my impact statements], I didn’t change anything but I mean [advocates] are really good. I’m not saying they weren’t good but there was not much [that changed] (WP5, 631-632).

On some occasions participants reported positive personal consequences of the advocates role in facilitating their contact with the court that they had not anticipated,

I mean they just went from what I told them and everything, you know? And it was good you know, they never, ever, put any words in my mouth or anything. They let me make my own decisions. I’ve never made decisions like that...look how far it’s got me, you know. I think I’ve come a long way from...(WP6, 429-431, 434).

For this participant the support provided by advocates was her first step in making decisions that were not within the control of her partner.

Participants were clear that they engaged with and appreciated the opportunities to present information about their safety and their safety concerns to the WFVC through the statements that were prepared by CVS advocates. All participants engaged with advocacy services for this purpose and from their point of view this service was one of the obvious successes of the WFVC protocols. In Section 5.3 below we discuss themes associated with the risks they anticipated in relation to attending court hearings.

5.2.3 Sub-theme: Helpfulness

In telling us about the support they received from Community Victim Services in relation to court proceedings, participants commented on the ways in which advocates had been helpful by explaining the court proceedings and processes. For example,

To be quite honest, [the advocates] were wonderful, they would explain things to me. I would say things like “sorry, what does that mean” and they were really good. They would explain, and then explain what the next process was (WP1, 310-313).

Advocates also explained the kinds of emotional responses that the women might expect as the court processes unfolded. This kind of information enabled participants to stay engaged with court processes because they were able to anticipate their own responses and take them into account in supported safety planning. For example,

...when I talked to the [advocate] she said; “You know you go through all these thoughts and feeling and when you get to a certain stage you start to have like deep feelings come in and then you change your mind”, and then she went through all these processes, this is what can happen and this is what you need to know (WP2, 20-23).

Advocates were careful that the information they provided did not influence the women’s victim impact or memoranda statements. This affirms that CVS advocates take victim preference into account as victims and recognise that they are most able to assess their own safety when they are in a supported relationship with advocates (Robinson and Cook, 2006). This participant commented on the time CVS advocates allowed for her to make changes to her statements.

I put some stuff in [impact statement] and I sort of went [long pause] and they’d say you know, “that’s okay, you can think about it and get back to us”, and so yep, sure enough I’d go back down and take out what, what I didn’t want in there. Yeah, it was good, yeah (WP2 336-338).

Participants’ accounts also reminded us that they valued the advocates globally, not only for the specific care that they took with providing information, both to the women and to the court but also for the support they offered throughout the process in a variety of ways, according to the needs of their clients. Advocates were valued for relieving the women of some of the burdens of responsibilities that they carry as a consequence being victimised in intimate relationships. For example,

Yeah there needs to be more [advocates] and the courts need to hold onto these people. Take the burden off the victim (WP3, 717-718).

Sometimes participants simply appreciated that the advocates were available to support them,

...they gave me the phone number and that if I ever needed anything. There’s that lady there I forgot her name she’s a very nice lady and she’s always been very good and the [other victim service] have been very good too (WP4, 1797-1799).

One of the ways in which advocates with speaking rights in the WFVC are able to take up responsibility for the burden of danger carried by their clients is by representing them in court. ‘Going to court’ is a sub-theme in its own right, and is addressed below. However it is clearly linked by participants to the availability of advocates.

No I didn't actually go to the court. I think I came [to the advocacy service] and [advocate] took me through what happened (WP5, 110).

The various ways in which women participants in this study appreciated the specific and global support of CVS advocates as helpful in sharing the responsibilities of victimisation with the women affirms the WFVC's commitment to the inclusion of community based advocacy services in the everyday operations of the court's protocols.

5.2.4 Sub-theme: Disappointments

Among the women's accounts of contact with the court through victim services, we identified situations in which the women felt disappointed by the processes or outcomes of the flow of information.

In one situation the participant had not received information about a request intended for their victim impact statement,

So one thing there was about the case, [event in which property was damaged] and [the advocate] asked me if I wanted reparation for [that] and I said yes, but I'm not sure what happened about that and I've never followed it up. You know I haven't got reparation for it or whatever it's called (WP1, 107-110).

And another where the timing of information about sentencing had been too slow

I remember getting really upset on one occasion because when he appeared in court they let him out. At the time I was working [in district] and I didn't find out about it until an hour or so after it happened. I was like, "my god he could've just come storming into [my workplace]" (WP2, 297-300).

This example provides evidence of how rapidly information needs to flow to the victim to enable her to facilitate her safety plan and relieve some of her immediate and specific fears. Even though this participant was provided with information only an "hour or so" after her partner's release she still experienced distress and heightened awareness of the risks to her safety.

In some of the participants' accounts disappointment was not attached to specific situations, but to more general circumstances. For example, one participant commented on the environment in which advocates work, including resource constraints;

I think in general they are definitely doing what they can with the resources that they have; it's more of a resource problem... the kind of environment that they have to work in and the things that they have to deal with everyday. [They] almost have a defeatist kind of attitude, like "this is all we have sorry" and that's it, its kind of, you kind of feel like they're as let down as you are. I think it's just the environment... (WP3, 703-704, 706-708)

In other accounts disappointment did involve particular circumstances. In one instance, information flow between Community Victim Services and one of the providers of an offenders' programme resulted in the client feeling that her privacy had not been respected. This incident had the potential to obstruct her access to safe support.

Despite their disappointments, all of the women appreciated the support advocates offered and continued to engage with their services. They reminded us too, that even with this ongoing support they faced their situation alone;

...even though I had all these people, I had [two victim advocate agencies] that I could ring and who kept in constant touch with me, to make sure I was alright and that I had the necessary things in place, you are on your own, you really are (WP2, 313-316).

The evidence from these participants that the disappointments they experienced in relation to CVS were related primarily to information flow confirms the value placed on sharing information in the practices of interagency responses within the WFVC. The WFVC protocols are designed to facilitate information sharing and where information flow works well among the various agents comprising the court's participation in a collaborative response with the community it provides enhanced opportunities to protect victims and provide them with support that enables them to stay engaged in the processes associated with their partner's prosecution.

5.2.5 Sub-theme: Follow up

Since Community Victim Services support clients within the community and not only in relation to court proceedings, they are able to provide additional follow up services for clients well after the proceedings have ended. Once their partners have been sentenced in the court clients of CVS advocates often need support to ensure that they are best able to plan for their safety, take up and engage with other legal orders for protection and manage the consequences of criminal justice interventions into their intimate relationships. Participants' accounts provided us with information on how highly they valued CVS follow up services especially in the context of ongoing needs for safety planning. For example,

...it was just the [advocacy service] who have keep in contact with me so religiously and...you know they are always saying; "please call us back" (WP1, 87-88).

...it was good they supported me through that, like they didn't really ignore me or anything, they just, if I needed to talk to someone I could just go down and just talk to them about what was going on, which I did quite a bit actually. Like I say I felt safe (WP2, 183-187).

Sometimes participants were unable to take up offers of follow up services for some time after the court proceedings ended. They explained to us that they knew follow up services were available for them, but the psychological effects of the trauma they experienced in their relationship meant that they were unwilling to stay involved after the disposal of their partner's case in court. One participant explained this situation clearly and with regret for missing the opportunities offered by CVS follow up,

[One advocacy service] did offer for me to come back and talk about it and things like that. At that time I just wanted to forget the whole thing but now, in retrospect, I do regret not coming back and just talking about it, like getting it off my shoulders and things, but I just didn't want to keep bringing it to the surface over and over again (WP3, 319-322)

In such circumstances, long term follow up services, where clients could return as and when they needed to, were important,

...[advocacy] needs to be whenever, wherever, like it needs to be up to the victim when they want it and how much and who and everything. Like it just can't just be someone else telling them how far they can go [with follow up services] (WP3, 437-439).

Some participants made frequent use of follow up services, and commented on them in comparison to services that have limited continuity. For example,

The other [victim services], they were good, but it just dropped off after a while yeah. [That service] just dropped off compared to the [advocate] people (WP2, 90-91).

Follow up advocacy services became a safe and supportive ongoing community relationship for some of the participants in this study.

So, yeah it was good, felt safe to me. You felt safe going there because you could go up the back drive, park, go in the back door. You know, there weren't people watching you, you know. I wasn't being paranoid or anything, it just felt safer and they always made you feel really welcome and it was never, like if times were down, and that...they were very supportive to me (WP2, 133-137).

Those women participants who established an ongoing relationship with CVS advocates were able to continue working with them in achieving their goals for safety after the disposal of their partner's case in court. These participants experienced the most significant benefit from the WFVC's commitment to protecting victims and improving their safety because of the way in which community based services were able to take account of the ongoing social relationships on which the women's long term safety depended.

5.3 Theme: Going to court

5.3.1 Sub-theme: (Not) going

The representation of the victim in the WFVC by CVS advocates is related to the processes through which CVS are involved in ensuring that victims' views on their safety and their family's current circumstances are made available to the Judiciary throughout the monitoring of their partner's attendance at treatment or intervention programmes. Victim representation by CVS in court is sanctioned through the Protocol for Family Violence Victim Services at WFVC. Their role in court continues the tradition of granting speaking rights to advocates that was established when the first modified court process was introduced to the then Henderson District Court in the early 1990s. The intention of CVS representation of their clients in the court is that it reduces the risks faced by victims attending court proceedings. In this study women participants explained that CVS representation meant that there was no requirement for them to attend court.

No, no I didn't have to go to court (WP1, 60).

I didn't go to his court appearances (WP2, 291).

I suppose he went to court and umm everything, I didn't actually go to court (WP3, 54).

Although it was far more common for participants to avoid WFVC proceedings when CVS advocates represented them, one participant did go to court on the first occasion that her partner appeared;

Yes. I did go, I did go because I was still – I went to support him kind of thing. Because I was still...pathetic (WP4, 893-894).

Attending court to support her partner through a legal intervention for which she carries a burden of responsibility was the only motivation for attendance that any participants mentioned. None of the participants retrospectively reported that attending court had been a positive experience for them.

5.3.2 Sub-theme: Love and fear

Participants who did not go to court offered a variety of accounts that justified not attending the proceedings. These accounts included their likely emotional responses to seeing their partner as a defendant in court.

They spoke of the way love might affect them if they were to see their partner in the docks;

[Advocates] did it all and that was the way I think it should be because otherwise you see him, your ex-partner and you think “oh”, you know, “oh my god I love him” and this and that, and you know... I always chose not to see him. It was best for me not to see him and I recommend that, yeah (WP1, 310-314).

They told us of worrying about threats because of their experiences while attending other court proceedings, in the past;

...that was my biggest worry. Just going to the [other] court, was him, or any of his cronies who don't know me, like he's got photos of me, or he could point me out, are they going to be lying in wait to try to threaten or intimidate me or even actually hurt me. So who is going to walk me and back out to make sure I get away safely (WP2, 665-668).

They also talked about the possibility of retaliation based on their past experience of being blamed by their partner;

You can't do that [go to court]. If you show up and if you say something in front of the court, in front of the person who is out to get you, I mean honestly it doesn't even make sense. It defeats the whole purpose. It's just setting them up to come and get you for doing something else to them (WP3, 747-749).

They were also afraid of intimidation;

I didn't want to see him. I just didn't want to look at him. I knew what he would be like if I was there. He would be staring at me and he'd try, he would try and confront me and I just wasn't up to it at that, umm, at that stage. I couldn't handle just being in that situation (WP4, 114-116).

And coercion;

Well... I was talking to him at that stage and I didn't want him to suddenly, he would have said to me; "stand up and say I didn't do it". You know I was like..."I don't want to", you know. So I was pretty sure I actually lied to him and said I'm not allowed to go (WP5, 580-582).

Participants understood that representation in court by CVS advocates was a strategy that kept them safe from intimidation, threat and coercion that was possible during court proceedings. They also understood that CVS advocates were less vulnerable to manipulation by their partners and appreciated that they were able to avoid being in a position where they were subjected to manipulative pressure.

...because I would not be where I am today if I didn't have that support there, where the [advocates] went down and dealt with him in court. 'Cause he use to say... "oh, those, those stupid women from that victim support place, they're always down there [at court], and you know, it would be like; "well you can't manipulate them you know". 'Cause he is really good at talking...you know and I used to think; "yeah, you can't manipulate these women" or "you can't change their minds", you know. "They are here to help me and my kids, not you, you know" (WP1, 314-319).

In this case the participant reflected on her own experiences of her partner's behaviour prior to his arrest, and also on his behaviour toward her representatives, the CVS advocates, at the time of the court proceedings.

Central to the reasons that participants gave us for not going to court was their understanding of how their emotional responses to their partner put them at risk of his controlling strategies of psychological abuse when they are in his presence, even in the confines of a courtroom. CVS representation in court enabled them to be safer at the time, not only from the direct threats to their wellbeing posed by threats and intimidation, but also from the emotional turmoil of love and fear. Participant representation by CVS advocates in court was a clear success of the WFVC's protocols in meeting the aim of protecting victims in ways that are consistent with the usual rights of defendants.

5.3.3 Sub-theme: If it had been safe

Participants who didn't attend court proceedings provided us with multiple reasons for not going and in all cases these reasons were connected with ways in which their safety would be compromised by attending. They were aware of various ways in which the court set up and proceedings might provide their partners with opportunities to abuse them psychologically and emotionally at least. However, this did not necessarily mean that they did not want to attend proceedings. If it had been safe for them, some participants would have attended court so that they could obtain information that was not available to them in any other way. For example,

I suppose I wanted more details, but I suppose in that situation it's hard to ask for more details.... It would be better if you could, in a way. I wanted to know what his defence was, like [what] he was trying to say on the matter, stuff like that. Even though it would be quite hurtful knowing...I would have preferred to have known...what his lawyer...was trying to say to get him out of it (WP1, 38-41, 45-46).

Others told us they would only go to court if it was necessary to ensure that their partner was held accountable for his violence despite the cost to their own wellbeing,

It would be hard, very hard [to be in court]. I class myself as a reasonably strong person but I would find that really difficult. I would do it, if it meant he got sentenced. I am sure I would do, but afterwards I am sure I would be an absolute wreck (WP2, 671-673).

In one instance, a participant did not feel it necessary to go to court because the evidence collected by police was adequate and it was unnecessary for her to attend. She would only want to go to see her partner in the docks if the offence he committed had been more serious.

I mean I thought they handled it well on both sides. They took photos of me and the injuries that I had, there and then...I personally didn't [want to go to court] because I didn't feel that umm what he did to me was extreme. If he had really brutally attacked me and that, umm, yeah, I probably would've wanted to go in and face him (WP3, 44-45, 103-104).

Some participants also told us that they would have attended court, or been willing to attend, if there was some way to ensure that they were protected during the court proceedings. For example;

I would've loved to have sat behind a double mirror thing and been watching. I would have loved to have seen it or heard it, even if there was a recording or something. But I couldn't have been in there with him seeing me. Hell no, definitely not (WP1, 582-585).

This attention to physical safety during court proceedings suggests that the physical set up of the court is unsafe for victims. In one example, the question of safety was raised in relation to escorting women to and from the court,

Who is going to escort you back out? Who is going to escort you into the court? Who is going to escort you back out of the court? (WP2, 662-663).

The women who were involved in this study were clear that safety was their principal concern with regard to their decision not to attend court. In justifying their preference for not attending court they explained that they were fearful of their own emotional responses, and the potential for threats, intimidation, coercion or retaliation from their partners. In some cases, they would have preferred to be able to go to court, but were unwilling to do so without adequate safety measures in place to protect them. For these participants it was possible to avoid the risks of attending court because they were represented by CVS advocates and because their partners had pleaded guilty. When defendants plead not guilty it is more likely that women victims will be required to attend court to give evidence and it is not possible for CVS advocates to represent them in this capacity. The WFVC practice of encouraging guilty pleas thus contributes to the protection of victims by reducing the need for victim attendance at defended hearings. The risks posed to victims' safety by requirements that they attend defended hearings are discussed more fully in relation to the analysis of key informant interviews in Section 8.2, below.

5.3.4 Sub-theme: Delays

Delays in the WFVC proceedings were rarely mentioned by participants spontaneously. In this sample, all the participants' partners were monitored by the Judiciary throughout the course of their attendance at community based interventions like 'Living free from Violence' programmes.

Judicial monitoring may involve offenders in court proceedings for more than twelve months from arrest to disposal. During 2005-2006 only three percent of the cases available for analysis involving judicial monitoring were disposed in less than three months (Coombes et al., 2007). We anticipated that the effect of these 'delays' would be incorporated into the women's accounts of their experiences of court proceedings yet questions related to the length of time their partners' case took to disposal were passed over quickly. For example,

I think he went to court like five times or something over a long period (WP1, 106-107).

...his court cases have been quite close together lately, and he got some new [charges not involving me] (WP2, 69).

I don't even know what happened with that because he went to the [referred offender programme] but I don't really recall him going back to court...I mean he is so, he was so secretive. He probably would have hidden it from me (WP3, 605-606, 614).

I think it took, well, round about 10 months (WP4, 353).

In each of these examples, the participants continued our conversation by turning to another subject or concern to them at the time. This suggests that the monitoring process engaged by the WFVC is not creating delays that directly affected the participants' safety, and that the processes involved in prosecuting their partner for offences against them served to create situations in which issues related to the violence in their relationships needed to be addressed.

In those few cases where the participant elaborated more fully, or returned to talk about the length of time that the court proceedings had taken later in our conversation, they did not comment on the delay involved in judicial monitoring as an issue for their safety. For example,

The last time we went to court I think was [month] of the following year and he had to, my understanding is, he had to keep his nose clean and not have any contact because [both] courts had issued protection and non association orders. I had the bases as covered as well as I could (WP5, 360-362).

In one case, however, a participant commented that they found the delay 'annoying',

I didn't go to court, yeah, but umm, it was really annoying, the process of it. I just almost couldn't be bothered because it took so long, you know (WP1, 74-75).

Otherwise, it was evident that the women's experiences of their partners' re-offending were their most serious concerns. One participant connected delay with re-offending by telling us how the proceedings were affected each time her partner was arrested,

He'd go to court and then it would be put off for a couple of months because then he'd have new charges come up, so then they put it off again (WP2, 37-38).

Delays that result from repeat re-offending and consequent arrests are not systemic delays in court procedures. The judicial monitoring process practiced in the WFVC was not experienced by these women participants as a delay that damaged their family or put their safety at further risk. None-the-less, the delays that were consequences of their partner's re-offending clearly were related to risks to the women's safety and point to the difficulty of holding men

accountable for their offending through procedures that *enhance* safety and minimise damage to families.

5.4 Theme: Chances to change

The therapeutic orientation of the WFVC promotes an understanding of family violence offences as embedded in psycho-social problems involving specific patterns of behaviour within ongoing relationships. The holistic approach of the WFVC that aims to heal families affected by violent offending requires that the court's intervention go beyond a punitive, procedural and adversarial approach to justice towards collaboration with organisations that provide specialist services within the local community and prioritise victim safety and offender accountability. Organisations providing three types of services for offenders are currently associated with the court: social services such as social welfare providers (e.g. WINZ, Salvation Army); psychological services such as relationship counselling or alcohol and other drug treatment, and specialist psycho-social services such as programmes designed to assist men to manage their anger without the use of controlling or violent strategies against their partners.

Our project was not designed to evaluate the services to which the court refers offenders and so it does not provide an adequate investigation of the long term changes in family relationships that are intended to result from referred interventions. However, in discussing how the WFVC affected the lives of women participants in this study, we heard various accounts of the way in which the women understood their partner's engagement with these services, and their initial reactions to the interventions.

5.4.1 Sub-theme: He had to do it

Participants talked to us about their partners' motivation to change in circumstances where the court provided sentencing incentives to undertake change programmes. No one reported that their partner was enthusiastic about the opportunity. The women spoke of the court's coercion as a motivation that was only taken up so that sentences would be lighter. For example,

That's the only reason he was going to it...I remember at the time there was something, that he had to do all of these [programmes] to basically get away with a bit [less] punishment...he didn't get any punishment. I mean anyone can sit through ten sessions...or twenty of something and nod your head and go; "I'm a good boy now" (WP1, 618-621, 625).

Sometimes even the court's sentencing incentives were not sufficient motivation for the women's partners. One participant told us that her partner had pleaded 'not guilty' initially and had only changed his plea, and undertaken the referred programme because of the expense of defending the charge,

He denied it at first and then...it wasn't until [his lawyer] charged him \$600 that he realised that it would be better for him to say: "yes I do have an anger management problem" and then he did that course and then he had to do a drug [intervention] (WP2, 115, 161-163).

Sometimes the women spoke of their partners' referral to programmes as being a compulsion, rather than a choice that he made to take up a sentencing incentive. For example,

The [alcohol and other drug intervention] didn't mean anything; he did [it] because he had to (WP3, 453).

In this case, the participant explicitly linked her partner's lack of change to her understanding of the intervention as compulsory. There were even occasions on which the participants understood referrals as a part of the sentencing their partners received.

...he got sentenced to, umm, anger management and a fine (WP4, 58).

There was evidence of considerable variation among the participants' understanding of the coercive intention of the court's sentencing incentives and referrals. In some cases participants did not recognise any difference between compulsory attendance at programmes that is mandated by a sentence in the WFVC and voluntary attendance as a sentencing incentive: both effectively compel the men to attend programmes. None-the-less, the participants shared an understanding that their partners had undertaken referred interventions without any intent to change towards living free from intimate violence. In as much as the referral of their partners to community based treatment and intervention programmes constituted a form of holding the men accountable for their violence, these participants' experiences suggest that their partner's compliance with court referrals did not constitute accountability to the victims for ongoing violence in their relationships.

5.4.2 Sub-theme: Still angry

There were a variety of ways in which participants experienced their partner as having angry reactions to the services they attended as a consequence of court proceedings. Sometimes participants spoke of their partner remaining angry, despite participating in programmes intended to help manage anger. For example,

He was still really angry, you know, even though he was going to [an anger management] course (WP1, 183).

He did a full 6 month [anger management] course, mm, and he's done it twice...and no change, no change (WP2, 135, 142).

In some instances, participants talked about witnessing angry reactions to the intervention itself. For example,

...relationship counselling we had, too. I mean that was just stupid, got him more angry because she was saying to him; "no, [partner's name], can you not see", and he would just not listen to her either (WP3, 497-498).

With regard to another intervention this participant explained that her partner used anger to justify his violence and blamed her for provocation - while he was attending a programme.

[Going to the programme] almost brought him up to think that: "I just got angry. You made me do this" (WP3, 459-460).

Sometimes participants reported that their partner's anger intensified during interventions and so did the assaults that they experienced,

After doing anger management he got more angry. He was actually more physically violent than he had ever been with me. He used to...curse me that he has to do anger management (WP4, 867 – 869).

Participants also talked about their partners being affirmed in using their anger to justify violence when therapeutic interventions such as relationship counselling affirmed their angry feelings. When therapeutic interventions take a non-judgemental approach to emotion so as to facilitate therapeutic responses from their client, they provide support for the man's sense of entitlement to victimise his partner, and inadvertently affirm anger as his justification. In these circumstances the WFVC's aim to protect victims, consistent with the rights of defendants, is undermined by the risks that are posed through unintended consequences of therapeutic interventions. From a perspective which prioritises victim safety, the collaboration between the WFVC and the community at Waitakere needs to reconsider the ways in which treatment and intervention programmes are accountable for meeting the court's aims to protect victims.

5.5 Summary: The women's experiences of WFVC proceedings

Women victims of intimate violence who participated in this study were represented in the WFVC by Community Victim Services advocates. They understood this representation to be protective because attending court themselves posed various emotional and physical risks to their safety. Their partners had often threatened them immediately after arrest, and in some cases re-offending was more physically dangerous to the women when the criminal justice system had recently intervened. Keeping safe after their partners were arrested was difficult for these women, so the protection of advocates was highly valued. Participants also valued the follow up services provided by advocates, and although they experienced various disappointments in the way advocacy worked in the WFVC, the women all appreciated the services that were offered. Those participants who engaged most fully with the advocacy services were also well supported in understanding the court procedures and the meaning of the various stages in the court process. With clear information they are more able to keep themselves safe, because when they understand bail or sentencing conditions, they also understand their rights to police protection when their partners breach bail or otherwise re-offended. In these ways CVS advocacy stands at the heart of the successes of the WFVC in meeting its aim to protect victims, consistent with the rights of defendants. Re-offending was the most serious concern of the women in relation to delays in court proceedings and the responsibility for these offences lie with the women's partners.

Participants were aware that their partners had been referred to community intervention services although there was considerable variation in how much they knew about the intervention. In some cases participants had been involved in relationship counselling with their partner and in others they knew little about the intervention except what their partner or their advocate had told them. Some participants were well aware that their partner's engagement in the programme supported their anger, and that their partners often responded to the programme with violence. Even when physical violence ceased, emotional and psychological violence did not. The women's experiences of how their partners responded to these services in the longer term are presented in the following section which discusses how the WFVC intervention influenced the women's lives between and beyond the actual court proceedings.

6. Part Three: After court

While their partner is going to and from the WFVC, attending programmes and having his attendance monitored by the Judiciary, women participants in this study were managing the impact of his arrest and court proceedings on their lives. Although the judicial monitoring system means that court proceedings are not finalised for some considerable time, more than twelve months in some cases, participants needed to deal with the impact of the legal intervention into their most intimate relationship immediately so the delay in case disposal through the judicial monitoring process was not their most serious concern. Between and after court proceedings, their partners' re-offending and the burden of responsibility for keeping themselves and their families safe became intensely disquieting. CVS advocates who had supported the women through their partner's prosecution process were able to continue supporting them, and thus share some of the practical responsibilities for developing and executing safety plans. At this point, after the criminal justice intervention, familial, social and community relationships become critically important to the safety of women and children. In this section we discuss four themes that emerged from the women's reflections on how the WFVC impacted on their lives: He didn't learn; things have changed; what keeps me safe & doesn't and; my responsibilities.

6.1 Theme: He didn't learn

6.1.1 Sub-theme: It wasn't a lesson

Some participants were explicit in their view that their partner had not learnt anything through their experience of the WFVC's intervention. In some cases, the idea of 'learning something' was linked to the hope that arrest, conviction and sentence would hold their partner accountable for his violence and 'teach' him that intimate violence is unacceptable. For example,

That was his first conviction. I don't expect him to go to jail for it, but I do expect a little bit more. Okay yeah, [partner has] been convicted but it's not going to affect him. It doesn't affect him you know. It wasn't a lesson (WP1, 448-450).

In this case the participant had no evidence, in her lived experience of safety, that the criminal justice intervention had affected any change in her partner. The expectation that he will be 'affected' and that he will change speaks to the importance of stopping violence from the women's point of view. On some occasions the participants spoke explicitly of the comparative impact of their partner's violence on their lives and the court on their partner's lives. This was also connected to their partner 'not learning'.

I don't think he will ever learn. Having counselling and paying a fine is nothing compared to what I went through (WP2, 74-75).

In these examples 'not learning' was generally related to the participants' understanding that their partner had felt little impact from the legal intervention. In as much as his prosecution and sentencing had held him accountable to the court, it had not held him accountable for change. In more specific examples, some participants referred to their partners not learning from particular programmes. In the following example it is evident that the participant knew that

anger management programmes are designed to teach men to assess their anger and use 'time out' strategies when they are at risk of losing control. However, in her experience her partner had not learnt these skills.

You know, when he is getting angry I'd say just go, just leave me alone, just go you know, have some space cool down. Na not a thing, he didn't learn anything from that (WP1, 466-467).

Even when participants were not so explicit in saying that their partner had learnt nothing from his experiences with the WFVC, they provided us accounts of re-offending which suggest that their partners' had not learnt to take responsibility for stopping their violence in a context where they were not held accountable for changing their violent behaviour.

6.1.2 Sub-theme: More of the same

In speaking with us about the impact of the court intervention into their partners' violence against them, some participants described aspects of their partner's behaviour as unchanged in the context of an ongoing relationship. They affirmed that the ongoing pattern of violence in their relationship continued. For example,

Basically his [controlling] behaviour was still the same. You know; "who the [expletive] are you going out with?" Same shit you know...I didn't let him move back in, but he basically lives there every bloody night (WP1, 335-336, 339-340).

In this example, the participant refers to her inability to prevent her partner living in her house through the complexity of the relationship between control and fear. In other examples where participants described aspects of their partner's violent behaviour as 'continuing' they also spoke of how they managed their safety at the time by complying with their partner's requests.

He would, still got a little bit agitated at times though, if umm, maybe he wanted me to take him somewhere. You know; "come over and then can you take, drop me off here and there" and yeah...Maybe I'd do it because I knew he'd get agitated (WP2, 197-198, 203).

For many women in this study, compliance with their partner's requests is a familiar strategy for taking responsibility for managing his anger through fear of violence that is associated with it. Compliance is also easily understood by others as consent to an ongoing relationship with their partner. However, participants were clear that they did not consent. There were even examples where they reflected back on court proceedings and talked of resisting violence through seeking police intervention for bail breaches that did not result in arrests.

...after he contacted me I took the text messages and calls and such to the police and they arrested him...for breach of bail...I don't think he got more charges, not actually too sure what happened...I went to the police about twice for breaching bail and I believe they had a hard time trying to find him because he wasn't at work and he wasn't at home and they didn't actually know where he was (WP3, 126-127, 131,144-146).

They also reported situations in which they were physically unable to call for police intervention;

It's amazingly hard to make a call to the cops when you've got someone pulling out phone cords and you know smashing up the phone you know pushing you around (WP1, 1146-1147).

Some participants talked to us about living separately from their partners yet unable to prevent ongoing threatening behaviour,

That was just the phone calls and everything again, and stalking me and stuff. He use to text me and say I'm watching you and I know where you are and I'm behind you in my car and stuff like that (WP3, 190-191).

In situations where women participants lived in fear of her partner's intimidation, the idea of imprisonment provided some relief from constant threat,

I think he should have gone to jail...While he was in jail I could actually drive around and not be like, freaking out thinking what happens...because depending what he is on or how he's feeling on the day, would depend on whether he would just ignore you and carry on past or whether you got a punch in the head or whatever (WP4, 52, 528-529, 532-534).

On some occasions participants described how their partners were not only watching them, but ensured that others were watching if they were not in direct contact with the women themselves,

I've caught him in the past driving up and down the road, you know, checks on me. At the [place I go] he would purposely be there every time I went; Watching me, you know, when we weren't talking. Times when we not talking even now at [that place] he's got his mates, three of them always there, guaranteed (WP1, 724-727).

Participants in this study repeatedly provided us with accounts of threats and intimidation, and sometimes also repeated physical assaults by their partners after his arrest, during court proceedings and beyond the disposal of the matter by the court. This ongoing, abusive behaviour remained their central concern. Their experiences affirm and supplement the results of the statistical analysis of Viviana's database which found that re-offending rates peaked around the time of sentencing (Coombes et al., 2007).

Whether they resisted their partners' violence by calling the police, complying with requests, or refusing consent to contact they were often unable to prevent their partner being in contact with them and they continued to be subjected to an ongoing pattern of violence. Although for these women the criminal justice intervention did not result in changing their partner's behaviour it did engage them with CVS services that provided ongoing support in sharing their responsibilities for protecting themselves and their families.

6.1.3 Sub-theme: It means nothing

As well as providing us with accounts of various ways in which their partners had *not* taken responsibility for stopping violence within their relationships, some participants also talked to us about their partners' disrespect for legal interventions. They suggested that the lack of change in their partner's behaviour was characteristic for him and they understood his refusal to adhere to legal requirements as typical of his violent behaviour. For example,

I thought; “okay, a few times when he gets to the court maybe his mind will change”, but obviously he’s a stubborn kind of guy that, you know, he will not – he’ll say; “yes, yes, yes”...but he will just do what he wants to do (WP1, 38-40).

People like [ex-partner] they don’t care about going to jail or getting a fine, they just care about revenge and about getting someone back and it means nothing to them, not how much money they have to pay or anything (WP2, 306-308).

In other cases their partner’s lack of respect for the law was also related to specific interventions such as non-association orders suggesting that in these cases, legal interventions available to women for their protection fail to ensure their safety

I know for a fact that [ex-partner] doesn’t give a shit about the law. I mean I had, I had a non-violence paper. To him it meant nothing, and I think to most violent men it does mean nothing. It’s a piece of paper. It means absolutely nothing to them (WP3, 114-116).

This participant explained that her partner’s disrespect was not connected in any way with her being unwilling to call the police to put the order into effect,

...still I make the calls, which is what I did do a couple of times...I can easily make the call but he’s still doesn’t care. He doesn’t care; it just, he absolutely thinks that it means nothing (WP3, 130-132).

It was apparent to us that some of the women we spoke with were aware that others attributed the ineffectiveness of bail conditions or protection orders to their unwillingness to use the orders. The research interview provided them with an opportunity to let us know that responsibility for any ineffectiveness in implementing protection offered by the orders did not lie with them. The women carry the burden of responsibility for ensuring that orders are effective for their own protection at the same time that they are managing the effects of their partner’s violence on their everyday life.

Sometimes non-association orders were effective for a period of time however their effectiveness was not necessarily a result of the women’s willingness to call police, or their partner’s respect for the law. For example,

I didn’t hear from him for a couple of months maybe after [sentencing] and then when I started dating my current boyfriend somehow he found out about that and he went crazy. He rang me 30-40 times a day on my cell phone, angry messages (WP2, 59-61).

In this situation it was her partner’s disinterest in associating with her that meant she was free of threatening contact for a period of some months. As soon as she entered into a new relationship he began contact again, without her consent. Respect for the law had not influenced his decision to stop abusing her even briefly.

There were some instances where orders were respected by their respondents. For example,

I sort of got to think about [the Protection Order] and that gave me a little bit more security and he didn’t want to be arrested again, and go to jail or down to the police station (WP4, 121-122).

However, in these cases the effectiveness of the protection order came well after court proceedings and was not evident in relation to bail conditions. It is possible that a closer relationship with the Family Court and a more consistent approach to issuing Protection Orders may assist with emphasising the seriousness of intimate violence and holding offenders accountable for changing their violent behaviour.

6.2 Theme: Things have changed

While participants offered us accounts of how their partners continued controlling, threatening or intimidating behaviour between and beyond court proceedings, they also provided examples of some changes that did take place in relation to their partners' historical patterns of violent behaviour.

6.2.1 Sub-theme: Different, and yet

Some participants did notice changes in their partner's violence as a result of attending the programmes that were designed to teach skills for living free of violence and for managing anger non-violently, yet did not protect the women from harm. For example,

He never hit me again. He did the whole like, umm pillows over my face and stuff, and hold me down, you know, like sort of push you against the wall. But I mean he never hit me after that. But... still the violence is there, he just knew...not to leave any bruises on you as evidence (WP1, 234-237, 241).

He's violent. He is violent. But he won't touch me. He won't hit me. He knows that he'll go. I said "this time, I'm not saving you, I'm not going to get you back out of the police. This time you're going to go to jail". So he's not hitting me. But he would just scream and he would do, you know, raise his voice (WP2, 280-283).

Noticeable, in this latter case, the participant also disclosed that she continued to manage her partner's violence by identifying the things she said, to which he reacted violently. She remained silent on those issues,

....I just stopped saying those things. I mean by saying it – he's not going to change, he's not going to change – so why would I get a beating out of saying those words? (WP2, 582; 589-592).

In another example a participant explicitly linked changes in physical violence with what the men might have learnt at programmes *and* their lack of motivation to change.

[The men are like:] "We are here because the courts have told us or go to jail". And they are not going to learn anything. If anything, it teaches them to be more cunning. That's my firm belief. [It] teaches them to be more cunning; "think about where you are going to hit them". It's like, I got punched in the solar plexus, I was like...thinking; "oh my god". But I was alright. It had just winded me badly but I didn't have a bruise or anything from it. Things like that (WP3, 694-698).

Changes in violent behaviour that are based on having learnt not to leave evidence of injury do not constitute changes towards enhancing women's safety or healing families. Primarily these changes are designed to avoid legal detection of repeated physical assault and to leave the

women without recourse to legal protection. They demonstrate the offender's lack of motivation for genuine change and raise the question of how the criminal justice system can effectively hold offenders accountable for change that does not damage their families. However, these were not the only changes reported and in some instances the women did notice changes that were helpful to enhancing aspects of their safety.

6.2.2 Sub-theme: Family healing

Unlike some of the themes associated with continuing patterns of violence in their relationships, the women's accounts of changes towards enhancing their safety or healing within their families did not necessarily mean violence free contact. In these examples positive change was associated with some of their partner's strategies applied to specific situations. For example,

Although I know I did notice when he did that [anger management programme] umm, situations, you know, where conflict was starting to come up, that he backed off, hmm. So I could see that he was using some of the tools from it, which was good (WP1, 457-459).

In another example, the participant spoke of how her partner had changed towards being more supportive of her in parenting their children, although they were no longer living together.

He is very supportive now. I have to tell him that we have work together to stay at the top together...and if we do our consequences and boundaries together, you know, they will learn and they like that (WP2, 271-274).

In the only references that participants made to the possibilities of more positive changes that might enable living free from violence, they were not speaking of their own partners but of other cases they knew about, for example,

I thought [my other family member's intervention] was a good thing; doing something on a Marae. So especially for the city [men] because you lose, umm I think a lot of Māori people lose, that cultural thing. You know not being around Māoridom, hardly ever, and especially on Marae. You know hardly any of them use the Marae, so I thought that was a good thing (WP1, 570-173).

In these situations women participants took hope for change from the possibility that culturally specific programmes may help some men understand their own violence, and its costs. Sometimes they spoke hopefully of the potential of a programme in principle, even though its aims may not have been realised in their own situation.

I think that [anger management programmes] are useful. Umm just so they can actually take a step back and look at themselves and instead of always blaming everyone else. But I don't know in this case if it was successful (WP3, 313-314).

Although for the most part participants did not report substantial positive changes resulting from court proceedings that were an intervention into their partners' violent behaviour, they did suggest that there were some specific instances where positive changes were noticeable. Even when their own situations did not give them reason for hope in successful interventions they maintained hope through reference to others' experiences or to the potential that could be realised if offenders engaged in interventions with genuine intent to change. From these participants' points of view victim safety crucially depends on the offender's intent to change.

Meeting the aim of the WFVC protocol to protect victims in these circumstances requires interagency collaboration to enforce orders of protection and act on reliable assessments of offender's behaviour change.

6.3 Theme: What keeps me safe and doesn't

The familial, social and community relationships in which women participants were embedded, and which enabled the support they needed to protect themselves and their children provided the context in which the women we spoke with recounted their experiences the WFVC's. Their stories of particular events and the relationships that were involved in responses to their experiences of violence interconnected justice sector responses with their own responses and those of family, friends and neighbours. These responses where also intersected with various stereotypes about intimate violence, victims and offenders. In this theme we address the women's experiences of safety within a holistic context by drawing together their different accounts of the ways in which their safety was enhanced or put at risk throughout the process of the WFVC's intervention. Since the WFVC aims to take a holistic approach this thematic provides crucial information on the ways that social support impacts on victim safety.

6.3.1 Sub-theme: Silence

Silence was a strategy that many of the women had engaged prior to their partner's arrest on the occasion that brought them into contact with the WFVC. Not telling about their partners' violence enabled them to avoid the judgements of others about their most intimate relationship. For example,

I was hiding...it would be so scary to say, "look mum", because I know what she's going to say, you know... It makes you feel like shit when people say that [you should leave] even though they trying to help. I know, I've said it to mates in the past who have been with violent partners and stuff. You know, "yeah but you guys don't see the good stuff", which sounds so stupid but you know (WP1, 935, 937-938, 946-948).

Silence was also related to taking responsibility for their partner's violence and attempting to manage their partner's behaviour in the interests of maintaining their relationship.

I didn't tell anyone...I didn't want to. I wanted to try and make it work and yeah so I didn't tell anyone. And I used to have bruises and stuff but I use cover up for him a lot. I used to make excuses for him and I used to blame myself like; "if I didn't do that, then he wouldn't hit me" and; "oh, maybe it is my fault and I'm the crazy one" (WP2, 233-236).

Silence may also be connected to a sense of the intimacy and extremity of specific acts that become unspeakable for those who experience them. In this sense it is understandable that many acts of intimate partner violence go unreported, even to friends and family.

...not a single person my whole life knows about [a particular form of abuse], probably never will... Because that is the ultimate victimisation, the ultimate humiliation of what a person can do to you as a person (WP3, 773, 781-782).

In these situations silence serves to protect the women from social harm or from the psycho-social implications of their partners' violence; but it does not protect them from the harm their

partners perpetrate. Protection from harm depends on disclosure being a safe process for victims.

Sometimes silence was maintained by the women's fear of their partners' response if anyone found out about the violence,

I was really scared of actually telling somebody something, you know (WP4, 9).

In this context silence may be understood as a safety strategy that is engaged as a result of the participant's own assessment of her safety within a complex set of relationships.

Silence impacted on the women's experiences of the WFVC process when the participants did not tell advocates about their partner's re-offending. They were silent about the extent of harm they faced everyday,

Yeah, no one [at the Community Victim Service] knows about anything...They know of the one [weapon] incident ...but apart from that they think oh, "maybe he was just a bit mean". Yeah, not the day to day torment... (WP3, 311-313).

And they were silent about the extent of threats, intimidation and coercion that their partners used to control when and where they spoke and to whom,

...with him still floating around a lot of the time it's like, eww, best not to bring it up; "let's sweep it under the carpet", you know. Like if I could have secretly done [a memoranda with an advocate], but you've got to remember that he knew everything, every move of mine (WP1, 641-644).

In these situations the women's silence does not constitute consent to continuing a violent relationship with their partners, and it does not enhance safety long term. Although it does protect the women from immediate retaliatory harm.

There were also occasions when the women told us that silence had been helpful in facilitating long term safety. For example, using independent advocacy services enabled a woman to avoid being convinced not to report an assault by her partner,

And I didn't ring anybody because I didn't want to get talked out of what I was doing. Yeah, so I went through people who I didn't know (WP4, 68-70)

Being able to safely speak with someone she doesn't know, like a victim advocate, enables the women to be supported through their partner's arrest and court proceedings. Silence works sometimes to enhance women's safety by allowing them to seek the support of advocates without resistance from within other social relationships. And sometimes silence works to put women at risk of future harms at the same time as protecting them from a specific harm. The specialist knowledge of CVS advocates and specialists within the WFVC understand the ways in which complex social relationships impact on victim's assessments of their safety.

The WFVC's collaborative response to intimate violence is also impacted upon by women's silence since no legal or community intervention is possible if the women are unable to say what is happening in their relationships. While disclosure to advocates is sometimes possible and highly valuable to those women who engaged with advocacy services, there are situations

in which women do not disclose violence for fear of further harm. For some women, disclosing how unsafe her everyday life has become does not necessarily enhance her safety or her family's safety and she relies on specialists who understand her situation to support her to enhance her safety.

6.3.2 Sub-theme: Making the decisions

Participants talked with us about circumstances in which it was critically important that someone else made the decision not only to involve police, but also about bail conditions and ongoing protection as well. Since the participants were already experiencing a burden of responsibility for protecting themselves from violence, some were aware that their immediate safety depended on not being responsible for reporting further violence to the police. For example,

I didn't call the cops, you know, it keeps me safe when it's not my decision (WP1, 291-292).

They also described situations where it was crucial for police to explicitly take responsibility for the arrest decision.

If the police say; "Okay we're going to charge you with this and this. We saw you doing that", if the police step in, and take some of the fall. Don't make it all; "Oh, she said you did this and this and this" (WP2, 591-593).

Attributing the responsibility for the arrest to the woman who has been assaulted leaves her vulnerable to retaliatory violence. Similar experiences of vulnerability were also discussed in relation to occasions when police were called because of a breach of non-association orders, and gave the women the responsibility for the arrest decision, despite there being a protective order in place. For example,

They said they could do one of two things, either "give him a warning" or "we can arrest him". I said "He didn't threaten or anything like that so give him a warning, if he goes to threaten me I will be back down here and as far as I am concerned, do what you need to." ... basically I would like it if they didn't give you options...at that point in the back of my head is still, "what are the repercussions going to be for me and for my family?" Not just me and the kids but mum and dad and [others] (WP3, 343-344, 347-349).

When participants called the police for a breach, they were already aware that their partners blamed them for the arrest that resulted in them appearing before the WFVC. In this sense, the women felt a burden of responsibility for her partner's previous arrest,

...he was really angry about the fact that I let them take him away and you know; "you called the cops!" (WP1, 1068-1069).

This burden is further complicated when legal protection requires women to take responsibility for their own safety without the support of specialist agents who understand the effects of fear of retaliation and ongoing coercion. One participant explicitly talked of her experiences of phoning the police about a breach of order and being asked to re-assert that her consent for contact had been withdrawn. She connected this questioning to a string of attempts to report breaches that did not result in arrest.

I rang the police before and umm yeah, but they ask you; “do you want him to go?” and well by that time...you just do whatever to please other people. But I think this time I was just like pleasing myself, not pleasing it, but making a stand. No, yeah. Sick of you know making it right for everybody else (WP4, 51-54).

Against a background of ongoing threats, intimidation and coercion, calling police becomes a difficult step when women do not receive support consistent with a specialised understanding of risks to their safety. When the women are questioned about ringing the police, there are multiple reasons for them to reconsider making the call. In some situations police expected that the participant would make a decision in the presence of her partner when it was her immediate safety that was most crucially important,

Well, “I don’t want him here because”, I don’t know, “what? – ‘cause he’s so angry now”. And so I had to make a decision...“do you want us to take him away or don’t you” and it put me in such a bad situation to say; “yeah, I do”. And that was for my safety, but I prefer that they just did it, just take him, you know (WP1, 214-218).

The expectation that women will explicitly ask the police to remove their partner when he is present burdens them with a responsibility that also endangers their safety in the context of ongoing threats and intimidation and the women’s fear of retaliation. When they call police it is because they need immediate assistance for their safety and a specialist understanding of the reliability of their assessments of their own risk would support them in taking responsibility for their safety. Participants did not always understand why it was necessary for them to keep asserting that they did not want contact, and in some situations they explained that having said ‘no’ to him returning to their home, they did not expect him to be returned by the police. For example,

And I think the first time after [initial arrest] that I rang the police and they took him and they asked me, “do you want him to come back here?” and I said “no”. They released him on bail the next morning and dropped him off at my house (WP2, 17-19).

There were a variety of occasions where participants reported contact with police that discouraged them from making the call on later occasions. These interactions did not support women’s confidence that their need for legal protection was well understood. For example,

I talked to the policeman at the counter, “I want to press charges, assault, my ex partner” He looked at me and said “are you really sure you want to do this? Because, honestly” he said “it’s a hell of a lot of paper work, and I type really slowly and if you are going to withdraw this it’s like a huge waste of time” (WP3, 229-232).

One participant acknowledged that neither the police nor the court understood the issues arising for her as an immigrant woman and she felt that she was blamed for her specific cultural understandings of violence. This also highlights the need for specialist knowledge of the dynamics of intimate violence manifest through cultural diversity. On these occasions participants understood police responses as throwing doubt on their commitment to follow through with legal interventions, or putting them at risk of escalating violence. A lack of specialist knowledge and understanding left them feeling a responsibility for decision making that they experience as a burden.

Participants did tell us about events where police took responsibility for decisions about legal interventions into their relationship, and it was helpful to the women to have others take a share of their burden of responsibility. For example,

I wanted to [change my statement]... [Location] police said “oh no, you can’t, we still have to follow through with it”, which gave me the courage to follow through with it. Just having someone say; “I’m sorry, no you can’t change your mind”, [that] made me think, “yeah I don’t want to”. But, you know, if no one had said anything I would have probably got it changed, pardoned away (WP4, 24-27).

However, from the participants’ point of view, it was important that this response was consistent and their commitment to legal intervention was not put in doubt. The confidence in the protection offered by legal orders was undermined when information sharing failed to alert police to the risk that offender’s posed to particular victims in the context of ongoing violence,

...that was great when he was going; “tell them I didn’t do it, go and tell them I didn’t do it” and that was great when they said; “no, we can’t! It’s out of your hands now”. So I was like, “yay”. That was excellent. But then you know, I’m sure they would have known, I’m sure when they came that night [subsequently], when we were having a fight, then surely...the name and stuff... would be on record; what he has done. So, “you’re putting me in that position of...he’s freaking dangerous, you know, and you’re putting me in that position now to go; “yeah take him, just take him”, you know (WP1, 805-810).

They told of us of times when they appreciated not been required to make decisions about their partner being kept away from them,

...he was kept inside for a couple of weeks [after one arrest] because mental health services – which at the time I appreciated – were going to do a psych test (WP3, 285-286).

And they also spoke of wanting legal interventions that would remove their partner and relieve them of the responsibility of managing his ongoing violent behaviour,

...if he gets picked up for [another charge] again a week later, lock him up, keep him on remand till his next court appearance. He obviously cannot be in society and behave himself. They need to come down harder on the offender I think by yeah, keeping them away from the people they can hurt. It shouldn’t be our job (WP2, 594-597).

...it would have been useful if they actually sent him away, I don’t know if they can do that or not, can they send him away somewhere like outside of Auckland or outside the area? (WP6, 283-284).

By the time a particular occurrence of intimate violence comes to the attention of police and results in an arrest so that the matter proceeds to the WFVC, participants in this study had already been managing the consequences of violence in their personal lives for some time. Legal intervention is often a last resort and in some circumstances the burden of responsibility for making a decision for arrest is complicated by fears of further harm. The women in this study have variously suggested that it is important to their safety for others to make that decision. They also rely on police to make decisions with regard to the legal proceedings themselves. When women are required to make decisions about whether charges proceed,

whether their partner is warned or arrested, whether or not he is taken away from her home, the burden of responsibility adds another potential risk for retaliatory violence. Histories of keeping silent for safety's sake, surrendering to their partner's coercion, living with repeated threats, and feeling responsible for stopping the violence themselves provide a background in which their safety is more likely to be enhanced if they do not need to make decisions about how legal interventions will manage the threat posed by their partner. Specialist knowledge and understanding of the dynamics of intimate violence and co-ordinated well informed responses by community and government agents to provide assistance and support in meeting women's safety needs are crucial on the basis of these women's accounts.

6.3.3 Sub-theme: Neighbours

One of the priority actions of the Taskforce for Action on Family Violence (MSD, 2006) is changing attitudes and behaviour within communities so that family violence is not supported. This recognises the importance of the network of social relationships in which intimate and family violence are occurring. Participants talked with us of events that involved neighbours and friends and how they supported the women's attempts to protect themselves and how they supported their partner's to continue offending against them.

When speaking of events that involved neighbours, participants told us about supportive relationships in which neighbours took responsibility for involving police when they were aware of violence in the women's homes,

...the only time that the trespass order was actually upheld, was when my neighbours finally called and had a trespass order [made] against my street, and we haven't seen him since (WP1, 47-49).

...we had witnesses because [neighbour] saw the whole thing and he just pleaded guilty because he thought that [neighbour] would complain against him and stuff. (WP2, 883 – 884).

Supportive neighbours allowed participants to use their property, a phone or a garage for example, when they needed to get away from their partner's violence,

...stashed my car, my car couldn't be seen, one of the neighbours parked in their garage (WP3, 225-226).

...and he tried to kill me and I put up one hell of a fight and ran and called the cops from the neighbours (WP1, 664-665).

Support was often practical and immediate, and it assisted the women to swiftly manage their safety. We also heard accounts of neighbours who did not decide to call police, and did not provide participants with support,

I don't know what the neighbours think, actually...not once have any of my neighbours ever done anything...You know, I would have expected them to call the cops, really, because some of these fights are extreme (WP4, 373-378).

Wider community responsibility for responding to intimate violence and providing information to the criminal justice sector demonstrates active support for victims of intimate violence. Neighbours were helpful in supporting women when they took responsibility for calling the

police or arranged legal interventions or provided practical assistance when the women needed to be able to escape from immediate danger. Neighbours who ignored signs of serious conflict provided no support despite participants' expectations that they might be in a relatively safe position to offer help. These are the actions which the Taskforce on Family Violence (MSD, 2006) aims to change. Co-ordinated interagency and community responses include information sharing and sending a clear message that family violence is taken seriously which are also principles of the WFVC protocols.

6.3.4 Sub-theme: Friends

As was the case with police and neighbours, participants spoke of friends who took responsibility for making the decisions to call the police and participated in responding quickly to incidents of violence. For example,

I didn't call the cops, my friend did, 'cause umm, she had known the history. He wasn't happy about me, of course going, to see mates who had kids, [...so] I was on the phone to her, he got all pissed off 'cause I was on the phone to her... he started [damaging property]. To that, you know, she called the cops (WP1, 198-213).

Quick responses from friends who pass information to police participate in the collaboration between communities and the criminal justice system. However, as is evident in this example, participants also had experienced difficulties in maintaining relationships with friends, so they did not always know people who were able or willing to call the police when they witnessed violence against the women. Friendships were difficult to maintain because of the control that their partners exercised over their movements and contacts with other people,

You know I purposely didn't tell him where some of them [friends] live, umm, I was having to sneak and see friends (WP1, 999).

Isolation from friends and family has been commonly documented in research on women's victimisation in intimate relationships and constitutes one of the psychological risk factors for physical assault (Bennett, Goodman & Dutton, 2000). In this study too, participants spoke of having 'lost' friends because of their relationship with their partner.

...and I lost a lot of friends over it as well (WP2, 325-326).

You don't have friends; you lose your friends when you are living in that relationship. One day I looked around and I thought I don't have anybody (WP3, 339-340).

The specific dynamics through which friendships were lost included shameful situations, in which the women's friends witnessed their partner's abusive behaviour towards them,

But being treated like shit in front of our friends was pretty humiliating (WP4, 387).

Participants withdrew from these relationships unless their friends took action to support them. Sometimes the women acted to protect their friends from witnessing their partner's controlling behaviour,

He's turned up at friends places; "where is she? where is she?" you know... He'd just turn up to their houses and I don't want to put that on them (WP1, 1028-1030).

Friendships were also affected by the silence that participants maintained about the violence in their relationships. As a result, they didn't know that the women were in any danger and they were not close friendships from the women's point of view.

...we had people you know in the [place we went] trying to, you know; "oh you two were a lovely couple and this and that", and it would really hurt me cause I'd think; "you just had no idea what's going on". People don't have any idea. You just put on this really good face and you go out and you do your thing (WP4, 383-386).

When friends did know, or did find out about the women's victimisation by her partner, they did not always understand why the women remained in the relationship,

...you have friends that [say] "eww what you still doing with him?", and, like I understand that. They care about you. But I mean people can tell you until they're blue in the face, but they don't get the other side, you know what I mean? (WP1, 386-387).

Friends sometimes gave practical support to help participants escape the ongoing turmoil of repeat re-offending and breaches of orders issued by the court for women's protection,

I was lucky because after [the court proceedings] friends...they said "we have got a [place you can go].... It won't cost anything other than the petrol to get there". I was like at that stage I was like; "can I do that? Can I actually drive?" In the end I put the kids in the car and off we trundled (WP3, 637-641).

Emotional support came from friends who seemed to understand the experience of victimisation in intimate relationships and the psychological cost of living with a controlling partner. For example, even a passing conversation with a childhood friend could provide valuable emotional support,

...a friend of mine said to me, she grew up with [members of my family], she said; "where's that old, stropy thing that I use to know when you were a kid, a teenager, where's she gone? You know where's she's gone, she been pushed down there [gestures to floor], that's where she's gone". She said; "that's what he was attracted to, that type of person, but once he got you, it was pushed down, you were pushed down," like you know, "bring that girl back"... and I'm like; "oh wow, I'm sure I was meant to run into her". I hadn't seen her for years (WP4, 438-443).

Lost friendships and social isolation often affected participants' safety in as much as they had no-one on whom they could rely for support when it was needed immediately or in the long term. When friends did understand the dynamics of intimate violence and the women's needs for practical assistance, they provided valuable resources for supporting the women towards living more safely.

Within the Waitakere Community there are many agencies that are members of WAVES and involved in various ways in community work to create opportunities for changing community attitudes and behaviour that support intimate and family violence. Through the collaboration between WAVES and the WFVC the court participates in raising awareness of the seriousness of family violence and changing social attitudes within the district.

6.3.5 Sub-theme: Family support

The Taskforce for Action on Family Violence (MSD, 2006) recognises the crucial importance of family responses to violence and the importance of commitments to supporting families to build on their strengths and take action to stop violence. This commitment recognises the role that family support, or lack of support, can have in sharing the burden of responsibility for protecting victims.

In discussing their experiences of their partner's arrest and involvement in WFVC proceedings, within the context of complex and specific social relationships, participants told us of various ways in which their wider families had contributed to either supporting their partner's violence against them or supporting their attempts to enhance their safety.

By the time their partner was arrested, some participants' support from their own family had already been affected by their silence about their partner's violence. For example,

I didn't have many people, I didn't really tell my mum or dad what was happening... they [only] knew the conviction thing 'cause he went there... "oh I'm really sorry", acting all remorseful, or "oh I've done a terrible thing and I'll never do it again" (WP1, 392-393, 397-399).

Sometimes, after years of hiding violence from their families, their partner's arrest precipitated distress within their wider family relationships, for which the participant felt responsible,

A lot of, a lot of both sides of the family were really freaked out that we had actually split up and that this was going on, both families. You know, being together through thick and thin... so there was a lot of that riding on my shoulders (WP2, 379-381).

Even in situations where family are aware of the violence, participants do not always find their family's responses to their victimisation supportive,

I've got family but [not helpful] family. Yeah, that's it because you get it in your ear all the time, and you have enough crap to deal with without having your family in your face about it (WP3, 40-43).

Everybody said; "oh you're not the same person, you've got different". My [relative] wouldn't talk to me, my [relative] who is such a good friend of mine, just said 'stop moaning and groaning all the time it's not him it's you" (WP4, 684 – 686).

First, I got the families involved and it didn't work out, so we moved (WP5, 22).

And in some situations family relationships are already estranged, or appropriate relatives aren't available to provide support,

I haven't seen [one parent] in a few years and I'm not really that close [to the other] so I'm just. I just healed it myself, I've got [no other living women relatives]. I don't speak to my [relative] on my mum's side. So I've really got no women around that I can really talk to which is hard sometimes (WP6, 338-341).

Participants also explicitly mentioned that the shame of intimate violence was connected with their own responses in family relationships,

Violence isn't in our family and I'm like, ashamed (WP1, 905).

At times, hiding the violence and shamefulness combined to undermine the possibility of support from family members,

My family, I felt really [bad], not because of them umm, telling me [I was] or anything, they were really good. But I just felt like I'd let everyone down, and, you know. I just felt like crap... 'cause I use to lie for him... and so that, you know, my family thought I was a liar (WP6, 323-326).

When family were well informed of the dynamics of intimate violence they provided practical support to help participants escape a violent incident,

My sister came flying over to my [parent's house] and Mum and Dad locked the house up tight, [they] had the little one's with them, and my sister and I jumped in her car so we weren't driving in my car (WP3, 223-225).

Or emotional support when they asserted that the violence was unacceptable,

I walked outside. My sister was there, [my partner's] begging her; "You, you've got to talk to her, she'll listen to you, you've got to talk to her". And my sister's like; "no I think you're the one that needs to talk to her. You can't go around hitting people" and you know... (WP1, 415-417).

Without these supports participants' isolation is secured and they carry a burden of responsibility for their own victimisation. They were aware that they risked alienating family support if their relationship became a liability to their family members,

...he came back... I was having to hide it all... I couldn't say anything about [it] to my work mates. Can't say anything to half my friends 'cause they hate him. And then my sister is the one and only person who knows and then, you know, I don't want to put too much on her (WP1, 924-928).

For some participants the importance of family support emerged most critically on occasions when they need to get away from their partner's violence immediately.

...if I didn't have any family, where would I have gone?... I was lucky I had family. Where would I have gone if I hadn't had family that I could go to? (WP3, 679-681).

These were also, sometimes, occasions when participants' became sensitive to the burden of responsibility their family was carrying, unsupported, and acutely aware of having become a liability for them,

I ended up driving out to my [relative] and we had a big scrap to let me stay there because I don't have family to go to... it's a burden for me and my children to be in their home (WP8, 241-242, 246).

When participants spoke to us about their partner's family, they rarely mentioned being supported. Some participants spoke of experiencing blame for the violence from their partner's family. For example,

They saw it as being like my fault and I was provoking him (WP6, 222).

So his whole family...they would say to me; "oh, you know, you just really shouldn't piss him off 'cause", you know, so I had that as well. All of them saying; "you're so useless [name]"... "no wonder he smacks", or no "wonder he hates you", yeah and [all] that from the other side. So it wasn't just him, there were ten other people that would back him up (WP8, 368-371).

Some participants mentioned that violence seemed acceptable within their partner's family,

In their eyes it's so accepted, you know. His family didn't [care] what he did to me. I was evil of course...got no support there (WP1, 522-523, 530).

Even if he is beating me up, still he cannot be wrong [in his family's eyes]. Like he cannot, he can never be wrong. And I have to treat him like god, twenty-four/seven (WP4, 328-329).

For others, violence being unacceptable within their partner's family also meant that they were unsupported or blamed,

His parents tried to sweep everything under the rug because they...didn't want a bad reputation for their family (WP6, 213, 218).

Who can you trust, you know? Who can you talk to? You don't trust people. Since I heard that, like when I got married I was so attached to his family. And as I said, his family was two-faced. You know, they will say something and then they will listen to their own brother or son, whatever and he will turn around and say; "oh you know she is just assuming things" or; "she is just making up stories" or; "I'm not doing this she's just accusing me" or things like that. But the family....It doesn't even help (WP5, 972-977).

For all participants family support was crucial, whether they experienced the support they needed to move towards living free of violence, or not. When they did experience practical and emotional support it facilitated their immediate safety. When this was not possible, some participants were able to engage with follow up Community Victim Services to find support that they needed for their safety.

Like I say, having the [advocate] was a lot easier for me to do what I actually wanted to do, deep down inside, rather than having the support of my family. You know having people maybe changed my mind of what I was thinking. A lot of people liked what I was, you know, 'cause I was totally; "nah, no more. I will not be walked on like a door mat anymore". Bit of a shock for everybody to think that I wouldn't...feels good, feels good now (WP2 451-455).

Participants took responsibility for the stigma attached to victimisation and the shame and blame that intimate violence brings to affected families. They supported their family's responses to violence by not telling them about it, or isolating themselves because they felt that

they were a liability or a burden, or because their families did not seem to understand their circumstances, including their reasons for continuing to live with their partner. When families supported the women, immediately and in the long term, they created conditions that enabled safety for their daughters, sisters, nieces and aunts as well as their children. Advocates were also able to contribute to healing families by supporting women to live without violence and to 'feel good' about standing up for themselves, safely. For some participants the relationships they established with CVS advocates through their involvement in the WFVC provided access to a wide range of community services that aim to strengthen and support families and act to stop family violence. All of these agencies are involved, together with the WFVC, in coordinated responses to family violence.

6.3.6 Sub-theme: Protecting the kids

In the year from June 2005 to July 2006, 56% of Viviana's clients were mothers (Coombes et al., 2007). Only one of the participants in this study did not have children. All other participants had dependent children in their care at the time of the interview. Participants mentioned their children frequently throughout their interviews and their children's psychological, social and physical wellbeing was a constant concern for them. At various times in the history of violence in their relationships, participants focused on protecting their children from physical harm. In a number of situations participants spoke about how their partners did not physically hurt the children even though they physically assaulted their mothers. For example,

He wouldn't attack [the kids]....But he didn't mind doing it [to me] in front of them (WP1, 335-336).

You know and the last thing in the world is that I would want him to hurt my (child) and he never ever did. He was always lovely; you know, which was hard... (WP2, 367-368).

Prioritising protection from physical violence is often a response when there is immediate physical threat; however specialist responses to victim support such as those provided by CVS take account of the risks posed to women and children by their partners and support women towards understanding the broader implications of violence in their home. By the time that their partner was before the WFVC, participants were aware that the psychological violence had a damaging effect on their children. Sometimes they made decisions to protect their children from potential harm by putting themselves at risk,

I actually stepped in, like one [verbal] incident... [I said something] and I was standing sideways at the bench and he kicked me... (WP3, 12, 19).

Participants also talked about their awareness that reporting incidents in which their partner used children to exert control over them was risky. For example, if he used the children to manipulate her, she was afraid that she would be accused of not protecting them,

And then there's still that underlying fear that someone's going to read this [victim impact statement] and maybe I'll say something like; "he used to use my kids against me"... you know he use to do things [badly]... to get me to do what he wanted. And I was always worried that if I did say this and it was written down somewhere I'd have [social work organisation] on my front door saying; "why didn't you protect your kids?" and that's not the way it was (WP4, 344-350).

In this kind of situation, fear of losing her children affects a woman's willingness to provide advocates within the WFVC with some of the details and effects of her partner's abusive behaviour on herself and her family. According to Wilcox (2006), the specialist literature on domestic violence contests how extensively victimisation affects women's care giving for their children, none-the-less social stigma is attached to women victims who are then seen to have failed to manage their partner's violence well enough to protect their children. The WFVC's attempts to concentrate specialist services in the court provides the specialist knowledge needed to understand how this stigma intersects with social expectations of mother's responsibilities to protect their children to affect women's and children's safety in specific circumstances.

Participants' concern for their children was often a turning point in the way they managed their partner's violence. The women participating in this study did eventually make the decision to separate from their partner. They described feeling increasingly concerned about the effect that their victimisation was having on their children, even when there was no physical child assault involved. On some occasions, they noticed that their children were afraid for them,

For a while after [ex-partner] attacked me, [child] would say to me, umm you know things; "oh mummy don't make dad sad or angry" or something you know, he'd say things like that to me (WP1, 334-335).

[Child is] just very sensitive and is very aware of the fact that [the] father is mean to [the] mother and I feel very sad and wish that I could change that in some way (WP5, 1975-1976).

On other occasions their children expressed concern at their father's return to the family home,

[The kids] they weren't very happy about things at all. They were telling me, "tell daddy to go back to [name's] house" (WP4, 179-180).

In some instances the women noticed that verbal abuse of a child or children was escalating,

As time went on things got worse and I started to stress quite a bit...because I noticed that ... if he got annoyed at me, or something in the outside world, he would lash out at [child] verbally (WP3, 6-9).

Sometimes participants told us that they became aware that their children were experiencing negative psycho-social impacts from the dynamics of their intimate relationship,

I didn't want my kids to grow up, my [child] growing up to [think] that this is a relationship that [they] may get in, you know. "Put your foot down now, and say no – no more", you know...they could see how their father was treating me...mum, you know, mum at the bottom, yeah. And that's, that's how it was for a long time and I never realised (WP6, 263-267).

When they realised that they could not prevent their children suffering harm from the consequences of the violence they were experiencing, protecting their children enabled the women to move towards safety by living separately from their partner. However, there were situations in which separation was complicated by the women's need to protect their children. In one example a participant told us that refuges were full and she had been advised that she

would need to surrender her children to State care until she could find safe accommodation. More extensive resourcing for temporary relocation would provide more opportunities for community support of women needing to escape intimate partner violence.

The other main thing they said is; “we’ll take your kids while you sort yourself out and then you can apply for your kids back”... they said that’s what would happen if I couldn’t find a safe place to go to get away from him because he had been let out on bail (WP4, 212-213, 225-226).

Participants also talked to us about how their children had responded to their separation from their partner. They noticed distress and insecurity in some cases,

[One child] is really um upset that I stayed in a relationship that was violent hmm, and arrh [another child], I’d say he’s quite, can be quite insecure. You know like even in the home, if I’m down one end and he’s up the other end, he’s calling up to me all the time and I’m like; “I’ve never left you without telling you”. Yeah so, sense of insecurity there (WP1, 323-326).

And in others they noticed an initial sense of relief, but their children too needed time to adjust to the new circumstances of their living arrangements. In these circumstances the women carried the responsibility for enabling ongoing relationships between their children and their ex-partner.

At first they really wanted him to just disappear as well, they were over it and then after a couple of weeks they missed their daddy. Which is understandable...that’s their dad. Our [relationship] has nothing to do with them. So umm yeah, they getting there, they’re getting used to the whole umm, “we can’t see dad every time we want to”, but when they do it’s a good experience. So that’s what I’m trying to do (WP4, 433-434, 437-438).

In relation to protecting their children, the women’s emotional safety was supported by the conviction that was recorded by the WFVC for their partner’s violence. In aiming to hold offender’s accountable the WFVC protocols sanction incentives for guilty pleas. Not all guilty pleas result in convictions because of the use of Section 106 discharges without conviction as a sentence. In some situations conviction serves as reassurance for women participants that they would not lose custody of the children to the man who had abused them, nor would they be compelled to share custody with their partner.

I wasn’t really scared of [custody issues] towards the end, ‘cause I thought; “well if he went and tried to get custody of the kids, all I need to do is call his, umm his record, and nobody is going to give him my babies” (WP4, 116-117).

Protecting their children and managing their safety preoccupied participants and thematically recurred throughout their interviews, representing the extent to which they were responsible for their family’s wellbeing. In talking about their historical and more recent experiences of violence by their partners they spoke of protecting their children from immediate threats to their safety. They also talked of the need to protect their children’s long term emotional wellbeing when they were safe enough, themselves, for their immediate concerns to have been addressed. In relation to the WFVC their partners’ convictions for violent offences proved reassuring in the context where their custody of the children, and therefore their ability to protect them in the long term, might otherwise have been at risk.

6.4 Theme: My responsibilities

Throughout their accounts of how their lives changed after their experiences of legal intervention into their intimate relationships, participants spoke to us of the responsibilities that they felt as providers for their families and in relation to their own protection. Their accounts of the extent to which they were responsible for their own safety suggested that the stereotypic view of intimate violence as resolved “when she leaves” adds to the burden of victimisation without holding men accountable for stopping their violence against her.

6.4.1 Sub-theme: Leaving my home

All of the participants in this study were financially independent. Those who had dependent children were financially responsible for them. An aspect of homogeneity within this otherwise diverse sample of women and women’s experiences was their commonly borne responsibility for providing their homes. Their homes afforded stability for them and their families, for example,

I’m very house proud as well, and my home is my home and it’s always been like that, so yeah. I know it’s just stuff, when people say; “it’s just stuff, leave it and run”, I’m like, “Yeah I know.” He has [damaged] most of the things I own, so it’s not the stuff. It’s the stability and knowing that this is where we live, whether it’s got furniture in it or not this is where we live (WP1, 284-287).

And sometimes they provide connections with families in specific ways,

[It is a family owned house]...so that was my house. And he knows that I will always be in that house, which kind of like, you know. You want to break free of [him] but then I can’t I can’t leave this place (WP2, 714-716)

Participants reported that they received advice to move themselves and their children out of their home to escape their partner’s violence,

That was everybody’s answer; everywhere I went. Everybody just said: “oh just pack up, get in your car, and run” (WP1, 87-88).

Leaving home is sometimes difficult because it means disrupting the whole family. Relocation has consequences for the social and familial relationships in which women and their children are embedded and these consequences need to be managed without any certainty that the move will successfully stop the violence.

There’s still the risk he’s going to find us, plus I’ve picked up [my family] and moved [us] from the only solid thing that [we] know, so yeah (WP1, 278-280).

Or because their partner is aware of all her relationships and where to find the most important people in her life so moving is unlikely to keep all her family safe,

He thinks he owns me for life basically...Yeah, for me to clear the slate I’d have to move, I’d have to move...but then I feel for my family because he knows where they are, you know, so it makes it kind of hard...they are the main people in my life and he knows everything about it (WP2, 1017-1023).

Or because sometimes there is nowhere else to go,

[The Refuges] were full, the one time that I really, really wanted to go there (WP1, 241).

There were occasions on which women's partners were so persistent in their attempts to control contact that the women did feel it was necessary to move themselves and their children out of their home.

I had to give up our home because we certainly couldn't live there because it wasn't a safe place and because there was no one close. So we had all that upheaval, the kids had to change schools and like we were [temporarily living with relatives and] we couldn't stay there (WP3, 471-474).

When their partners did not take responsibility for stopping the violence in their relationships, participants were advised to move away from their homes and disrupt the stability of their families, even though they were the providers for their families. Since the participants were taking responsibility for providing their families with a home and stability, and their partners were responsible for the violence that they needed to escape, some participants experienced the advice to move away as an expectation that they take responsibility for stopping the violence perpetrated against them.

That's my issue mostly, is that they tell you to pick up your babies and run and they don't take the abuser out of the home (WP1, 46-47).

In circumstances where no intervention is able to hold men accountable for stopping their violence, women participants took responsibility for ending their relationship. The principle of healing families that underlies a therapeutic court intervention is not well served when the system for holding men accountable for their violence does not hold them accountable to their families for stopping the violence that is damaging their partners and children.

6.4.2 Sub-theme: Separating

At the time of their interviews all the participants were separated or separating from their partners. Many of them had repeatedly received advice from others to end their relationship. They were well aware that they carried a burden of responsibility to leave the relationship themselves even though they were not responsible for the violence perpetrated against them.

Everyone told me to leave, everyone told me what would happen and exactly what was said would happen, happened (WP1, 263-264).

Throughout the history of their relationships with their partners participants had taken responsibility for managing their partner's violence, maintaining their relationship and keeping their family together. Sometimes they had not lived with their partner through all of their relationship as a couple,

We'd actually been a couple for wow, probably about [a number of] years but not really living together. Living [together] on and off because, you know, I couldn't really tolerate living with him, he was very angry (WP2, 437-438).

When no strategy of their own or the legal intervention of the WFVC proved able to keep them safe, participants accepted responsibility for separating from their partners with all the associated emotional effects.

It's up to me now to make a decision. Either I want to put up with what I put up with for [so many] years, or I just push him away and don't do anything about it and just deal with my life myself and go through that pain of, umm, bereavement I suppose, it's just like someone's died in the family you know (WP3, 684-688).

Sometimes they told us of a sudden realisation that they were already preparing themselves for taking up this responsibility,

I hit that point, that sudden awareness and thinking back I, that point of getting myself into a position where I could take the kids and go, just took me a while to do it but that's where I was heading. I was getting that support, I was getting, had a good job, earning my own money (WP4, 33-36).

And at times they were unsure of whether or not taking up this responsibility was right,

I didn't know if I was doing the right thing or not but I didn't want to be just walked on and just treated like shit anymore (WP5, 207-208).

Separating from their partners did not always result in feeling safer in the short term. For example,

I hope he gets the message that he can't come around whenever he likes, just walk in. Yeah. I doubt he's going to get that message. (WP3, 923- 925)

When I broke up with him after the cop call thing, he got a job [nearby]...so he had the perfect excuse, didn't he, to be driving around my street. You know, of all of Auckland you couldn't find a job, but you got a job [nearby] (WP6, 836-839).

Living in close proximity to their partner left some women feeling vulnerable and fearful. Despite their historical attempts to manage their partner's violence and the intervention of the criminal justice system into their relationships their partner's did not take responsibility for their violence.

6.4.3 Sub-theme: Legal orders for protection

Some participants had taken out additional forms of legal protection, including Protection and Trespass Orders,

I got out umm, something order where he's not allowed here. It wasn't a trespass order it was a something, I can't remember what it was, protection order, that's it yeah (WP1, 216)

And I'm pretty sure I have a trespass order against him, I do remember sitting with some policeman I was down in [location] waiting for the police to come and take him and I'm pretty sure we did a trespass on my house (WP2, 139-141).

I think I've read that on my letter as well that he can only come and stay with me on invitation from me and if I say go, he has to leave. I've got that letter somewhere. So if he doesn't then I will have to call the cops on him (WP3, 421-423).

Orders were able to provide the participants with an improved experience of safety when their partner's accepted, even reluctantly, that they did not control contact,

He wasn't allowed to be around me unless the consent was given for me you know so I felt quite protected in that way like yeah I don't mind if you're there because I'm thinking I know you're not going to play up because I could ring the police for help at anytime and he didn't like that at all (WP1, 228-231).

They were less effective when the participants felt that breaches of orders were not significant enough to involve the police if they were only about controlling contact,

...you feel like you're wasting their time because they are coming over, he's doing nothing, but you know you've said you don't want him there. And you feel like that you're wasting police time too because there is so much more crime going on, you know. It's like; "well he's not actually doing anything, it's just that I don't want him here" (WP4, 148-151).

When participants felt that they were wasting police time, or were told that they were, they lost the confidence needed to call the police and have their legally sanctioned control of contract enforced.

None of the women mentioned using their partner's "come up if called upon" sentence as a strategy for protection. It is hardly surprising that participants did not always know their partner's sentence or find the implications of the sentence, or other legal orders meaningful in addressing their safety. Since many of the women were managing bail breaches, in the form of threats, intimidation, assault or contact without consent, at the time of court proceedings they did not always have confidence in using these proceedings again. Afterwards they were preoccupied with their responsibilities for their immediate safety, and did not necessarily trust legal interventions.

6.4.4 Sub-theme: Aftermath

Some time after separating, and well after their partner's first attendance at the WFVC, some participants had achieved greater safety in their everyday lives. They were less fearful, more confident about calling the police, and less vulnerable to threats, intimidation and coercion by their partners. In some cases they had taken steps to find more confidence after separating from their partners,

I went out and did self esteem courses as well, because I sort of thought about it and thought; "gee, I've got really low self esteem" and I didn't realise I'd been pushed down so far (WP2, 368, 370).

As they talked about their present circumstances, some participants were still affected by fear that their partner will make abusive contact with them,

Even now, you just become so...aware. It's like you don't know when he's going to turn up. If the cell phone goes off its like; "oh shit, I hope it's not him." You know, you know he's still abusive over the phone (WP3, 822-824).

Or by the uncertainty of not knowing whether or not he feels vengeful,

I don't know where he is or I don't know what he's doing, I don't know if he still has something against me or if he has let it go. I just don't know (WP4, 161-163).

In some cases participants experienced recurrent, stress related medical conditions.

You put yourself on the back bench and [medical condition] came back, because I was under stress which I'm still taking medication for so, yeah (WP2, 343-344).

And in others they talked of intimate emotional damage that they brought into new relationships,

Five years ago my marriage and my family meant everything to me. Today I've totally lost faith in marriage, yeah. I just met a very nice person...just let him walk away out of my life. He was the perfect man for me – a very, very decent guy...[and he] wanted a relationship, I just couldn't. I still can't, I'm too damaged. Too insecure, too heartbroken (WP5, 700- 704).

I still carry [a lot] especially the sexual side of the relationship, umm. I carry a lot, and it affects my current relationship a lot. That bit umm, that's probably the biggest thing for me...it effects me more than being hit because it's just something that's really personal, and yeah my perception of sex and everything to do with it has changed a lot...for me it's turned into a dirty, like a yuck kind of thing, when it shouldn't be like that (WP4, 468-470,475-478).

Participants in this study had made repeated efforts to manage their partner's violence and sought help with stopping his violence. Some had even left their homes. For some the threat and fear of violence remained acute, even though their everyday lives were considerably safer. They had met their responsibilities to family, friends and children as best they could while living within the violent control of their partner. They took responsibility for living separately when they could not otherwise keep their family together. And they were living through the effects of trauma on their lives.

6.5 Theme: Messages

Participants in this study were explicitly invited to use the research interviews to pass on messages to other women, and to the court, though questions which asked them what they would most like us to tell the people at WFVC and other women who were affected by intimate violence. Participants also spontaneously offered recommendations on responding to intimate violence at other times throughout their interviews. In this final section we gather together the spontaneous and elicited messages that participants asked us to pass on to others.

6.5.1 Sub-theme: Messages for other women

Participants advised other women affected by intimate violence to tell someone, and to seek help. From their point of view, honesty about abuse and violence are important.

It's okay to go and tell somebody, you know. When that thing came out about, umm, the three questions a woman gets asked when they go into the hospital...I can't remember what they are, but I answered yes to all of those that came on the news. And I thought; "shit if somebody had asked me that a couple of years ago, would I have told them the truth?" I don't know, but now I would, and I recommend that that's a good thing. I mean, okay it's getting really, really personal but I reckon they should be honest and tell them if they are getting the bash, you know, things aren't being, you're not being treated in the home right or anywhere (WP1, 404-410).

I never reached out for support; I was always trying to hide it from the world. The day I reached out for support my whole life just changed (WP2, 1815-1817).

In these women's experiences, disclosure and the intervention of the WFVC were responses that set changes in motion in their lives. Even when their partners did not change their violent behaviour the crisis that legal intervention precipitated set long term changes for the women's safety in motion. These changes were supported by CVS and participants advised seeking the assistance of advocates, who do have strategies that can help,

I'd say definitely talk to people like [advocates], because they might, well probably do have something that works (WP2, 272-273).

And who provide services that are discrete,

I've recommended [victim advocates] to a lot of women actually, dished out cards. You know women who, they don't know where to go to get help, you know. I didn't know they were there, they probably have been there for years you know...yeah and it's quite discrete. It's nice, discrete, it's not a big, you know, it's good (WP1, 117-123).

Although legal interventions had not necessarily provided immediately relief from threats to their physical and emotional safety participants advised others to say 'no' to violence and abuse and to call the police consistently,

I mean you've got to say, keep saying no and calling the police... What else can you do, is there anything else that you can do? Nothing (WP4, 143-144, 242).

Despite ongoing threats and emotional abuse, involvement with the courts could still be effective in achieving some changes,

I mean it was worth it, because you know, he could have done a lot worse to me. At least it stopped him from hitting me all the time (WP5, 789-790).

Participants said that it was important to use all the legal interventions that were available, including trespass and protection orders.

I would probably encourage people, if you're going to go through the police, go right through all the avenues. Don't get scared half way. Do the whole trespass order, find out

about protection orders, get the paper work in the courts so that next time, if there is a next time, hopefully they will be there quicker, they will sort it out how it's suppose to be, and then it will work. So I would recommend that if you're in that state of mind to be able to do it, then do it (WP3, 471-475).

And in carrying through on orders that are available for protection they advised others to be persistent even if it sometimes felt like they were a nuisance to the police,

I would say if you really mean no violence then you have to follow through with everything that is offered to you such as that protection order and keep ringing the police even though you might think you're being a nuisance to them. That if you really don't want to be in a violent situation and then I think eventually the male will realise, okay if don't stop doing this, this is going to happen to me, hmm (WP4, 274-277).

They understood that their fear of retaliation had inhibited the intervention process and they still advised taking action,

Yeah do it all at once, don't back out like I did the first time. I would say; "oh no, he didn't really do anything much" because I was scared that whatever I said he was going to read it and he's going to come back to me and that kind of thing. So if you're going to do it, do it right, do it all the way the first time (WP3, 479-481).

Participants also advised others to recognise that they cannot change their partner and stop the violence themselves. The perpetrators need to make the changes themselves and be held accountable for the responsibility to change,

It's like really hard and it's really hard for a woman 'cause I think you think that you can change a person, hmm, but you can't only they can (WP4, 447-449).

On occasions they expressed some doubt about offering advice to others because they remembered how they had ignored advice that was given to them, and how violence continued as long as they remained loyal to their partner,

...umm, I think no matter what I say it will still continue because thinking back how I was, umm, no matter what anyone said to me, I would not listen to anyone else, I stuck with him (WP6, 258-259).

Being clear and definite about boundaries was also advised by some participants. Setting boundaries was advised for shared parenting after separation to provide stability for children affected by violence against their mother,

I recommend that people who have marriage break ups do stick together, you know, with the consequences and boundaries if your kids are playing up (WP1 282-284).

Māori mothers were advised to develop culturally specific understandings of the effects of violence on children,

And for the women to also develop Māoritanga, with their kids, what violence is doing to your kids. You don't realise that they are affected too; a lot of people don't see that they are affected (WP4, 620-621).

Participants also advised others to find support and encouragement from the experiences of other women who have taken a stand against violence in their relationships and separated from their partners when it was necessary to ensure their safety,

...little bits of encouragement from other women who have split up, you know, from their partners that have been in my life and my family life... [there's] a lot of support from there too, a lot of women who have separated and divorced from their husbands. Yeah, there's a lot of, not single, but a lot of separated women out there. I didn't really realise because I was so busy in my own world, but....there are a lot of women who actually got up and said; "no more", there's heaps you know and I think far out, good on them. You know, and I don't know, I just support them, you know stay strong. Just like the way people have supported me (WP1, 443-451).

And they advised seeking support from marae, reconnecting with culturally specific support that enables ways of learning to be free from violence,

I think Marae environments are good for women too, weaving, cooking, even, you know. A lot of women leave home without those basic skills and hmmm, or just being in a Marae environment knowing how Marae works or their way of working and that hmm what's alright and what's not alright (WP4, 614-616).

The messages that women participants passed on to other women advised them to seek help, say no to violence in their relationships and to use the support of community services and the criminal justice system to enable safety in their lives.

6.5.2 Sub-theme: Messages for the justice sector

Since their experiences of violence and legal intervention in their intimate relationships are embedded in complex, intersecting social relationships participants did not necessarily address separate messages to different agents and organisations of the justice sector. However, they did provide specific suggestions in relation to legal interventions for offenders and services for victims.

Participants suggested that offenders needed to be more closely monitored and removed when they were known to re-offend. For them, effectively holding offenders accountable meant that their need for their partner to be removed when he is abusive would be swiftly and consistently acted on by agents of the criminal justice system.

I think that there should be closer, more monitoring of offenders yeah, they need to keep track of where these people are. And if, you know, if a guy is you know, a drunk that beats up his family when he's drunk, okay maybe the missus rings up, "he's pissed, he's trying to bash me", you know, take him away (WP1, 588-591).

Sometimes, removing the offender is the only way to protect the victim,

And in my situation the, umm, the person who's abusing, abusive in the relationship, they need to be actually removed from the area...It just has to be that way or else they just keep on going back and back into the relationship (WP2, 298-300).

The implication of this is that bail conditions may need to be stricter and more carefully monitored.

...bail is probably too easy for a lot of domestic violence (WP3, 532).

And even though judicial monitoring may need to be better informed and bail conditions may need to be more strictly enforced from the women's point of view, this does not necessarily imply harsher sentencing. In their discussions of their partners' accountability for his violence they did not seek harsher sentencing for the sake of punishment. They understood that imprisonment was unlikely to work to resolve the underlying problems of violence in their relationship.

Just be harsher on them in the, throughout the processes, not necessarily lock them up for five years because that's not gonna work (WP1, 606-607).

The sense in which participants understood the need for the WFVC, specifically, and the justice sector, generally, to be harsher with offenders was related to protecting victims. When non-association orders were granted they needed to be consistently enforced and the justice sector needed to take responsibility for ensuring that offenders learnt that intimate violence involved serious offences that would not be tolerated,

...you need to get better at taking [them away] and better at the punishment and actually take responsibility like, make them learn what they've done...there was absolutely no way that he learnt anything from that (WP4, 814-816).

Justice sector interventions do not work effectively when it becomes necessary for the victim to take responsibility for her own safety by escaping from her own home,

I don't even know how it works 'cause nobody will really tell me how to have the man not in my life without having to pick up and run (WP1, 86-87).

What other things are there, that court can do...He hasn't changed in [so many] years, do you think he's going to change? (WP5, 179, 192).

Participants also advocated for culturally appropriate alternative interventions for offenders.

For Māori I think maybe looking at what a Marae can offer the male, the offender. You know because I think that there's things in their life, their past, why they're doing what they do you know, even to learn te reo to me, as a sentence, is better than putting them in prison (WP3, 596-598).

And with regard to relationship counselling that required women's participation, it was suggested that, taking account of the gendered and cultural needs of their partners, by ensuring that there were men from specific cultural groups providing the service, would be more appropriate,

He's not going to listen to a little white woman, no woman, no way... It would be better if they had counsellors in each [cultural group] if there was a...guy [from that specific immigrant group] or something, bit like, yeah, a lot of cultures are like that, where they will respect the men in the culture (WP4, 505-506, 519-520).

With regard to the protection of victims specifically, participants recommended a closer relationship between the District Court dealing with family violence offences and the Family Court dealing with matters of child custody and property settlement,

The [Family Violence] Court does need to share that stuff with the [Family] Court because, so people actually realise the crap you go through (WP6, 601-602).

The justice sector as a whole needed to be more supportive of victims. Participants recognised that WFVC is attempting to address violence in intimate relationships seriously, and that CVS are doing all that they can to support victims within the constraints of their current resources. However, the whole sector and all the agencies that are responding to family violence need to systematically prioritise victim safety and work together with the WFVC and community organisations so that offenders are effectively held accountable for stopping their violence.

The whole system needs to change to be more supportive of the actual victims, because it isn't really, organisations like [Community Victim Support] and even the court people, they're doing everything in their power to help, if the justice system isn't going to back it all up, they are fighting a losing battle (WP6, 650-652).

More attention needs to be paid to providing services for victims and the services need to be more extensive, accessible and ongoing. It is evident from the experiences of these participants that victims carry heavy burdens of responsibility protecting themselves and their families from their partner's violence and that sharing the load of these responsibilities with others in their communities as well as agents of the justice sector is necessary for them to be able to live more safely and manage the consequences of living through intimate violence.

I think the victims need a bigger support system, umm, I mean, they are the victims. It just seems like the criminals get more attention than the victims and they get more support and, you know. Like the victims are the ones who are left behind and have to deal with everything and all the mental issues and everything and if you've got no one then its really hard to try and sort it out, sort it through your own self and you don't have all the tools that you need to get the result that you want (WP2, 422-426).

Various court and government agency processes need to be modified so that victims can have easier access to support. It should not be necessary for victims of intimate violence to take action against their partners through the criminal justice system or the Family Court to be able to access the level of safety they need. This is especially crucial when the requirements of the criminal justice system mean that victims must be willing to face their abuser in court when they are subjected to psychological and emotional abuse throughout the process.

...if you think about how the ACC does the sexual abuse payouts and you don't have to name the person and they don't have to know that it's you [naming them], but ACC will still help you. That's the same idea. It should be for physical violence cause you shouldn't have to be face to face and, um, sort of make it known to your abuser that you're trying to get something for your abuse...So [if] ACC can do it for sexual abuse then why should you have to show your face and say these things out loud for physical abuse. And I mean, umm, family violence isn't physical abuse, its mental abuse and sexual abuse as well, so why should you have to face your abuser? (WP1, 762-769).

Importantly, participants asked that the justice sector take account of the way in which the offender's control over the victim affects their ability to cooperate with legal interventions. The critical importance of specialist knowledge of the dynamics of intimate violence includes an understanding of the limitations that ongoing psychological abuse impose on the contributions that victims are able to make to criminal justice proceedings.

[Sexual assault is] just another method of control, getting what they want. I think if somebody's got that much control over you, then how can the court expect you to speak about it, let alone tell the whole truth and be confident in doing that when this person is controlling your every thought and movement? It doesn't make any sense. I don't think they understand the level of control that somebody can have over your mind, yeah (WP1, 805-808).

An offender's strategies for exercising control over his partner may not be specified in a victim's complaint or impact statement because of the difficulties she faces in disclosing abuse safely. Yet these strategies may still be a significant factor in how women respond to legal interventions. It is not always possible for the WFVC to have access to full disclosure of the extent of violence and abuse that victims are experiencing and a thorough and widespread understanding of the dynamics of violence within an ongoing intimate relationship is essential to effective interventions that enhance women's safety both within the processes of legal intervention and beyond.

Thematic Analysis: Advocate Key Informant Interviews

7. Part One: Knowing her history

7.1 Theme: Taking history into account

7.1.1 Sub-theme: Understanding the dynamics

In our conversations with advocate key informants, we found similar themes to the women participants to understand the history of violence that formed the background against which particular assaults came to the attention of police and resulted in proceedings at the WFVC. They similarly understand that victim safety crucially depended on how well those working in the court and providing community services to the court, understand the seriousness and dynamics of family violence. The real risks posed to victims' safety is central to this understanding,

Family violence is serious and life threatening, in many cases more so than a home invasion...Protecting a person from such violence should never be influenced by value judgements of the victim, but by the level of risk the offender poses to that victim. That's the bottom line (KI1, 681-684).

The most serious obstruction to taking account of the dynamics of an ongoing relationship between the victim and defendant was related to the adversarial system itself,

...and it's really to do with our Westminster system in a way, take each case on a case by case basis. They don't look at totality of the offending. Now my understanding was that one of the big things that was going to make a difference would be a domestic violence act and the requirements were in there for police in terms of logging calls, and sharing that, every time there was a family violence callout, a POL 400, they would have on a database somewhere a map of that offender's behaviour (KI1, 435-440).

The maps of offenders' behaviour held by Community Victim Service agencies and the New Zealand Police, and various co-ordinating bodies that share information are not able to be used to protect victims in circumstances where the court proceeds case by case. At the WFVC, this disadvantage of the legal system is addressed by offering incentives for guilty pleas and thus reducing the need for histories of violence to be officially kept secret while defended hearings proceed. However, key informants provided examples of situations in which information between courts and police in different districts could have the most serious consequences.

Now you think of some of the serious cases, the murders we have had in this area in the last few years, for instance [we know of cases where]...she had done everything right, everything she could. She had moved. She had got a Protection Order enforced. When she was, when he came over and breached the Protection Order she went down to the [location] police station and reported that he was at the house and he had breached the order. Police said fine we will come back...She pulled into the house, got out, he was waiting for her and he stabbed her, and police walked in as he was killing her. And I think that if they had had some more information on the background of that case, if they had had a better understanding of the circumstances that lead to her...because he was in breach [in another district]. There has to be better information (KI1, 447-466).

The importance of information flow was reiterated throughout several themes that emerged from the key informant interviews. It is connected with ensuring that safety is prioritised because it allows for the most rapid and appropriate responses to each specific case by those who are collaborating towards a co-ordinated response to family violence. Effective information flow is dependent on an understanding of the historically and socially embedded dynamics of family violence to effectively respond to risk.

7.1.2 Sub-theme: Specialisation

Since understanding the dynamics of intimate partner violence is crucial to victim safety, and to collaboration among all those who provide interventions and services to victims and offenders, advocates supported specialisation in the WFVC and highlighted the importance of training in family violence for all who were involved in co-ordinated responses. They emphasised the importance of police training in particular, since the police are often responsible for day to day contact with offenders. For example,

[If the police drop the men at their partner's home]... I think it goes right back to when they are at Police College and they do their training. Did you know how much family violence training police get when they are in there? Something like two or three hours. I sent an email to [contact in NZ Police] and said "just tell me exactly how many hours?" He came back and told me six. I showed it to [another contact] and he said "oh you can halve that" (KI1, 292-295).

From this point of view police training is minimal and results in the co-ordinated response relying on particular officers developing their understanding of the dynamics of family violence and the risks to victim safety as individual commitments.

As well as police officers involved in the everyday contact with offenders and victims, advocates pointed to the importance of specialised prosecutors,

...I actually think that specialist prosecutors are a better way to go because otherwise you have got people going to training for family violence from prosecution who might not want to ever do it, or might have a resistance to it (KI1, 322-324).

Key informants were aware of international literature that supported their view that specialised prosecutors, judges and community victim advocates working together in the court provide the best possible outcomes for victim safety.

...the literature from overseas, particularly the specialist family violence courts in the States, show if you have a dedicated prosecutor who has really good understanding of family violence dynamics, if you have got... judges in court who are really trained in that area and understand the dynamics that are going on, and if you have got good advocacy for the victim you get a higher rate of success with every single case (KI1, 327-331).

The experiences of advocate key informants who are involved with the WFVC supports international calls for interagency collaboration within the justice sector that include specialist non-government organisations providing community victim services. Such collaboration is considered 'best practice' in specialist courts that privilege victim safety because some of the burden of responsibility for managing the offender's violence can be relieved from the victim.

7.1.3 Sub-theme: The role and value of advocates

Since a specialist understanding of the dynamics of intimate violence is crucial to co-ordinated responses which enhance victims' safety, the advocates were clear in delineating their own role within the collaboration between community agencies and the legal sector. They talked with us about a number of dimensions of a co-ordinated response in which their specialist understanding of the effects of a history of violence on victim safety is vital during court proceedings and afterwards.

Within the context of the wider collaboration between the community and the WFVC, CVS advocates provide a voice in monitoring the stakeholders in the legal intervention to ensure that victim safety remains a central concern for all who are involved, and within a holistic context.

I believe passionately that we must have independent community advocates because not only do they provide support and advocacy to victims, they are able to work independently and really focused on the victim, but because they have a crucial role to play in monitoring all the stakeholders in the process (K11, 14-17).

They are able to provide this voice because they are independent of the court system itself. Without this independence it is possible that conflicts of interest will arise that result in victim safety being compromised. If all parties are employees within the criminal justice sector then constructive critique of court practices that may not be in the best interests of victims is likely to be inhibited,

...you can't have someone who is employed by one of the big stakeholders, such as courts for instance, who will be able to have that freedom to be able to comment and to monitor in that way. For instance, if the person you are looking at, to look out for the safety of the protection of the victim is an officer of the court, then they are in a difficult position if they are wanting to be critical of the performance or behaviour of the police officer, because he is also an officer of the court, or the judge. I do believe it's critical to have the independence (K11, 27-33).

Providing community input into the collaboration not only serves to give an independent voice to ensuring the centrality of victim safety: it also allows for maximum flexibility in relation to the needs of particular communities.

And it may be, that what we have going in our community is not going to be exactly the same fit in another community, but I think it's absolutely critical to do that consultation, to do that collaborative process in the community and work out what is the best fit for the community. Napier for instance, I went down some years ago, I went down and met with their victim advisor and looked at the way the victim advisor in the Napier Court works very closely with DOVE, and they have worked it out in a way that works best for them. Up north it might be a completely different process or in Auckland City it might be different, whatever works for that community (K11, 36-43).

The central role that advocates play in relation to the overall collaboration of the WFVC is through providing the skills, experience and day-to-day interaction with victims that enable safety planning for victims and reliable safety assessments to be presented to court. Collaboration for enhancing victim safety is the heart of the interagency response of the WFVC.

...one of the bottom lines that is accepted in our local court is recognition of that skilled ability of community organisations such as Women's Refuges to assess and do safety planning for victims in an environment that could change in terms of safety dramatically in 24 hours and that's what is needed for the victim. So most importantly, assessment and planning need to be shared with other stakeholders working to protect the safety of any victim. That is the heart of working collaboratively. Without that knowledge being shared other stakeholders and the Judiciary are working in isolation to the detriment of the court (K11, 48-55).

Day to day knowledge of the victims' situation and an understanding of the effects of a violent history on their emotional responses to legal interventions are crucial to the information provided to the court, and cannot be substituted with information recorded in databases and accessed by administrators.

I think that they really need to get the information and advice of those independent advocates who are working with the woman, they are not administrators gleaning information off computers, and not being in the court and perhaps having one telephone interview or one face to face interview, often when the woman is in rescue mode, but they are looking these women in the eye everyday and seeing the fear, and they are there on a day to day basis, staying in touch with those women in their homes, understanding and doing those safety assessments (K11, 223-229).

Advocates are also responsible for ensuring that their clients understand what is happening throughout the court process. Often clients have had little or no experience of court, or of the legal language that is used in court procedures, so they rely on advocates to provide them with accessible information about what is happening at court and explain how the various decisions and orders made in the court might affect them.

Court language can just go straight past... [we need to] translate court language, yup. I remember sitting in court thinking what, what, what was that? So you can imagine what it's like for [them]. You have to make sure that you explain it in just plain English (K12, 175-178).

Advocates' roles and the value of the information that they provide to the court and to their clients is affected by the flow of information between the various agents involved in the collaboration, including the police and the court.

It all comes back down to information sharing. Information sharing is critical. It has to happen across departments. I've been at court and had police ring me when I used to work there to say "we have had Mrs So-and-so on the phone and she's saying he's breached bail but we can't find a copy of the bail, have you got it?" I've gone into the bail room, got a copy and faxed it to them. I used to have a form letter that I would send out to women if it was safe to send it to them, that said, and I would always check with them if it was safe, but then I would have it with the logo and everything on it, and "this is to say so-and-so has appeared in court today and he has been remanded on the following bail conditions" and then give it to her to have it in her purse so that if there was a breach of bail she would be able to show that to the police because otherwise police would be so vague (K11, 466-475).

Information flow can affect advocates ability to plan safety strategies with victims and provide appropriate information to the WFVC. Advocates told us of examples where plea and charge changes had been negotiated without any information being provided to them, so that they could negotiate safety with the victim and obtain her views on the changes.

...not unless we get told about it, if we can get told about it then we can at least ask the complainant what her views are on that (KI2, 36-37).

Advocates also told us of cases where their clients were distressed or angered by changes in plea or charge when they had no opportunity to say how these changes would impact on their lives,

...there are things that happen [e.g. plea changes]. They are not part of, they're getting really pissed off about. Its like, how are you meant to tell someone who's not happy about that, that's just how it is, obviously you don't say it like that, but that's just what happened (KI2, 39-41).

Advocates find these situations particularly difficult because they carry the responsibility for supporting the women to have the courage to stay engaged in the court process and in planning for their safety. When information flow fails to enhance victim safety and the result is distress to their clients, it is also possible that the women will withdraw from the process. Advocates realise that part of their responsibility for supporting their clients is to support their hope for change, and respect the courage that the women show in staying engaged with victim services throughout the court process,

...its taken them every ounce [of strength] that they have to go through with [engaging in the court process] and a lot of that comes from us talking to them... this is the chance, it's where he can choose to make changes or whatever. You know sometimes this can be the whole crux of the change process, if there's going to be one, and you know, the empowerment to her and all of those things. So like, you know, she's hung onto that and done it (KI3, 45-49).

One of the crucial roles that advocates play at the WFVC is representing their clients in court through providing the court with up-to-date memoranda explaining the victim's views on such matters as bail conditions and sentences. Advocates working with the WFVC also have speaking rights within the court, which enables their clients to avoid the often stressful requirement to attend court themselves.

I am sure we are the only ones where there is a protocol around speaking rights in court. And that's been a long standing practice in Waitakere Court (KI1, 67-68).

Advocates have a clear and specialised understanding of the dangers of women's attendance at court proceedings, which is explicated more fully in the following discussion. Their specialised understanding of the holistic character of violence in intimate relationships enables the WFVC to take account of the history and consequences of the pattern of ongoing violence against victims whose partners are appearing on charges related to a specific incident.

7.2 Theme: Fear

7.2.1 Sub-theme: Risk of retaliation

Advocates confirmed the women's accounts of the real threat posed by their partners to their safety and the fear that they experience when legal interventions into their intimate relationship compound their everyday fears with fear of retaliation because of his arrest and charges before the court. They spoke to us of cases where police with little experience or training in intimate violence could inadvertently support the women retracting statements or withdrawing from the position of complainant so that she could 'rescue' her partner from the legal intervention and ensure her own safety from retaliation.

So I have over a number of years dealt with them, I don't know how many young officers coming into court it was their very first case often, or it was their first family violence case. They just didn't know what they were doing; they had absolutely no idea about family violence dynamics. They couldn't understand that whole thing when they turn up with the summons, she didn't want to do it anymore. They didn't get the fact that if they had stayed in that supporting role with her, she wouldn't have flicked over to the victim's role quite so quickly. If they had stayed in that rescuer mode and she had stayed in that victim role it would have been less of an issue. That's number one, training right at Police College level and I don't know how we are going to get through that because they are saying they just haven't got the space for more putting more [specialist training] in. I am hoping that family safety teams and [named officer] and [named officer] down in Wellington are going to (KI1, 304- 310).

In this example the advocate's point of view directly supports accounts provided by women participants of the need for police officers to play a supporting role for victims by taking up the responsibility for making decisions about how to manage offender's behaviour. Relying on the victim to carry the burden of responsibility throughout the process demonstrates a lack of understanding of the dynamics of intimate partner violence.

7.2.2 Sub-theme: Intimidating court proceedings

From the advocate's point of view, the women's fear of their partner's responses to arrest is compounded by alienation from the court process, which is intimidating in itself. For example, their clients may know little about the likely consequences of court proceedings and fear that their partner will be imprisoned.

These women think these men are going to jail and like a lot of women, if you don't know the court system you automatically think they are going to jail because he's done this that or the other (KI2, 116-120).

The intersections of the women's fears of the court process and their partner's retaliation produce a form of coercion in which women may be motivated to prioritise their partner's situation in relation to the court, over and above their own physical and emotional safety. As a consequence they may minimise their experiences of violence, and blame themselves for the abuse, retract their statements, and return to the relationship in sympathy with her partner's distress at his arrest,

...people don't go to court if they don't want to, people don't want to be in court, people are quite terrified by and intimidated by the whole process that happens at court. So

[clients] feel really, really strongly motivated to go in there and rescue him and he totally believes he is the victim. (K11, 196-199).

Even where women clients have taken the most extreme steps of separating from their partner and refusing to have contact with him in their attempts to stop the violence in the relationship, they may still provide evidence of compassion and sympathy for him that does not accurately reflect their fear for their safety. For this reason, advocates made a clear distinction between Victim Impact Statements, in which women clients may express their compassion for their partner, and views on bail or sentencing in which their safety needs should be prioritised,

...a victim impact statement is not necessarily addressing the same issues or concerns that a victim's views on bail would address. Many women when they do a Victim Impact Statement want to be quite forgiving, you know they want to say things like, "I'm really sorry that this has happened and while I never want to see him again I really want him to get some help". But because they say that it doesn't mean they aren't concerned for their safety if he got bail (K11, 103-107).

One way to ensure that a distinction is made between a victim's compassionate statement of the impact of violence in her life, and a reliable assessment of her safety at the time, would be by providing distinct forms of written communication that were clearly intended for different purposes,

...what I think we should be looking at progressing to do is, that a separate form is used for victims views on bail and that goes up in front to the judge for any bail application or any variation of bail along with a safety assessment that is provided by whoever is working with that woman (K11, 108-111).

Since women do not necessarily understand the court process or the language of the court, they are also more easily frightened by the possibility that their partner will be imprisoned if he is convicted of the charges that relate to harm he has caused her. Advocates pointed out that police and defence counsel can affirm this fear if they are not cautious about the accuracy of the information they provide to the victim,

I think police create an opportunity for woman to get frightened about the consequences of what they have done when they talk about [prison], and lawyers will often feed on this and make the most of this fear. They talk about the maximum penalty being two years in prison. We all know the reality is that is very rare (K11, 418-421).

Because advocates do have a specialised understanding of the effects of fear and intimidation on their clients, they are well placed to provide necessary support in situations where clients are vulnerable to the effects of threats or blame for their partner's arrest. They spoke to us of specific cases where they had witnessed situations in which the women's mistrust of the court and her fear of her partner were mediated by the presence of independent advocates,

...she didn't trust any authority figure, and she was there at the court with a little baby in her arms, and they said, "we want to know whether to oppose bail " and she wants to see him before she tells us what she wants to happen, so they said "we will allow it if [advocate] is with you". So we go into this interview room and they brought him through and the very first thing he said to her was "well you have really done it this time, look at

the trouble you have got me into now.” And she at that point colluded absolutely with him and believed it was her fault (K11, 204-209)

In relation to defended hearings, where clients need to provide evidence directly to the court, and are subjected to cross examination by defence counsel, advocates knew of cases where their clients were afraid of the court process because it requires the public disclosure of intimate details of the alleged offence, and possibly intimate details of the history of violence in their relationship.

They’re just scared. They don’t want to stand up, you know they’re scared about the Family Court situation, standing up, you know, having to give evidence. Umm they’re scared about I think, having to divulge stuff that...umm they’re concerned that quite often their own character is attacked (K13, 19-23).

We were provided with examples of cases where this kind of fear was evident,

[One client] came over initially for a defended hearing. She is still living with him. She was concerned not so much, well I suppose it is safety, it’s more her emotional safety; him playing head games with her, dragging out the court process. The hearing was set for that Friday. Now apparently a friend of hers, with her, heard his lawyer say to him the judge in court was quite a tough judge and he didn’t really want him so what they have done is elected trial by jury and now it’s going to go to Auckland Court. She’s like, “why does he want to drag out all our personal stuff in front of a whole lot of people?” It was bad enough she had to do it in front of a judge, now she has to do it in front of a jury. Her concern is what kind of stuff is going to be brought up from the past (K12, 6-13).

In some cases, clients’ fears of disclosure in court are related to other issues that are either historical or of concern in their lives at the time. Although these are not the matters before the court and they do not constitute justification for violence against her their clients are aware that disclosures of her own troubles are likely to have negative social consequences for them.

...you know whether it be a drug problem, an alcohol problem, you know, they’ve worked on the streets, you know, anything like that. It might be that they defrauded WINZ, you know, on the benefit... when they shouldn’t be living together. They look at that as being a situation where all of that stuff is going to come out and they’re going to get into trouble (K13, 27-31).

In speaking of a particular case where a client was afraid of how she would be judged if her partner’s case proceeded to a defended hearing, one key informant highlighted the stigma attached to mental illness as a way in which the victim might be blamed for her partner’s violence.

She is well at the moment, but she has had periods where she is not well, so she will get hospitalised. She is worried about her mental health being dragged into it, to use that as an excuse for what he did to her (K12, 15-17).

In cases where the defendant had entered a guilty plea, advocates can mitigate clients’ fears of the public disclosure of intimate information because the statements and memoranda provided to the WFVC by the advocacy service are not read aloud except at sentencing and when defendants enter ‘not guilty’ pleas. In the latter case, reading the summary of facts aloud may

provide offenders with an opportunity to change their plea when the judge believes the likely outcome of their defended hearing will be a conviction.

They've never read them out. But I have seen, usually they don't read out the summary of facts either unless the person is being sentenced or whatever. But I have actually seen judges read them out when they have entered a not guilty plea (KI2, 221-223).

Advocates also understood that there were occasions on which their clients' fears of the court process were justified, in as much as they had witnessed differential sentences based on racial or class discrimination being handed down in the District Court more generally.

I used to sit in court all the time, whether it was family violence or not. I was in court all the time; we didn't have a special day. So I would see people come in for all kinds of things and get sentenced for all kind of things especially on sentencing days. I would say now without any equivocation about it at all, if you were a Māori or Pacific Islander man who had a history of drinking and driving while disqualified you are far more likely to go to prison than a white middle class male who came in smartly dressed in a suit with a flash lawyer to represent him. You would get jail, much more likely (KI1, 492-498).

Thus, for some women, alienation from court process was connected with wider inequitable social relationships through which they experienced fears for their partner's treatment within the court system. Bennett et al., (1999) found that some women victims are also afraid of responses within their culturally specific communities, in situations where members of their community are disproportionately represented in prison populations. These concerns intersected in complex ways with their more personal fears for their own safety.

7.3 Theme: Blame

7.3.1 Sub-theme: Responsibility and guilt

Advocates also affirmed the women's accounts of their experiences of being blamed for the violence against them. Before and even after conviction, offenders often blame their victims for the violence, and the women who had been victimised often felt guilty and accepted responsibility for their partner's violence against them. Advocates understood that within the dynamics of violence in intimate relationships their clients' sense of guilt about their partner's offence and his arrest was likely to affect how well they were able to attend to their own needs for safety.

[The dynamics of violence are] going on at a really subconscious level the whole time you are doing an intervention with a woman. You have got to realise that stuff is happening and develop strategies to deflect the impact of that because I know from working with hundred's of women in court that the hardest thing was to get them to focus on what their own needs were rather than his needs. Because we are so offender centred in the court, in the criminal justice process, because it's all about him and because she feels such a huge obligation and responsibility for the reason he is there (KI1, 185-191).

In the context of their advocacy work with their clients, they understood that victim blaming was so serious that it was a significant shift for the women they worked with to accept that they were not responsible for their own victimisation.

“If I had only had his dinner on the table” or “If I had just kept the kids quiet”, you know the whole tip toeing on egg shell stuff...I felt it was significant progress for her to come, have come from, as I said, believing it was all her fault (K11, 193-194, 221-222).

7.3.2 Sub-theme: Pressure to rescue

Advocates understood that their clients' sense of responsibility for their victimisation also served to motivate their desire to 'rescue' their partner from the consequences of arrest and court proceedings. The pressure that their clients feel in response to their partner's blame can be compounded by the pressure of blame that she experiences in her broader family and community relationships. Advocates understand the blame, responsibility and guilt felt by victims as part of the dynamic cycle of violence that is supported by more widely held views of the culpability of victims.

Yes there is the cycle of violence with a honeymoon period, there is also that victim triangle, you can overlay these on top of each other where she wants to flip around and be the rescuer, I mean it's not just him putting pressure on her, sometime she puts that pressure on herself. The wider community puts that pressure on her, her children, her family, not to mention...his family. We all know those conversations “oh what did you do, you must have done something”. “I know my boy, he wouldn't have done it for no reason” and all that stuff (K11, 172-178).

The specialised understanding of the dynamics of intimate violence that advocates bring to their work enables them to support their clients through the emotional effects of their clients' experiences of historical violence; an ongoing relationship with their partner in which blame and shame compound their fears in the face of their inexperience with court proceedings and their anticipation of retaliation from their partner for his arrest even if they no longer want to continue the relationship. This specialised understanding enables advocates to collaborate with their clients on strategies for safety without compromising their clients' willingness to participate in the collaboration by ignoring the psycho-social pressures of responsibility that she carries as a consequence of being victimised within her most intimate relationship.

7.4 Theme: Protecting the kids

While issues related to protecting children were not the focus of this study, women participants did emphasise their children's importance in relation to their own safety and the ways they managed their partners' violence towards them. Advocates recognise that the protection of children is extremely difficult, and their clients sometimes have a vested interest in protecting their partners from accusations of child abuse because it makes the clients themselves vulnerable to having the children removed from their care,

...it's really hard to monitor the children's safety as well if she is protective of him and you don't get the full story of what is actually happening. Because once they click on to [unclear] Child Youth and Family, because they might come and take the children away they can get protective of him. I think we need people to be working with the children, children have a different perspective than adults and they are very honest (K12, 250-254).

In working with women whose partner's violence puts them at risk of losing their children to government agencies, advocates are clear that they will make notifications of any child abuse for which they have evidence, and they will also support their clients to keep the care of their children even if it means relocating women and children.

The way I do things is that I tell the woman I am straight up with them, "I am not going to do things behind your back and I will tell you what it is that I am doing". So I made the notification, and I was, "look I have made a notification and she had gone down to [another city] the next day", that was her plan- to get the baby and go - which she did. So I rang her the next day to make sure they got down there ok (K12, 247-251).

None-the-less the difficulty of protecting children persists. According to advocates' experience, victims who have focused their attention on managing their partner's physical violence and threats of physical violence against them are often primarily concerned with protecting their children from physical assault. In these situations some clients do not easily understand how their children are affected psycho-socially and developmentally if their partner does not physically assault, abuse or neglect them.

If the kids weren't in the room, you know. It's trying to explain to them they don't actually need to be in the room to be affected by what's actually happening. That is a really tough point with me. That's really hard to do that. They might say he's a good father, it's really hard to talk to them about, trying to get them to see it does actually hurt your children, it does affect them, it affects their development, and it affects the way they are themselves. That's really hard sometimes (K12, 239-244).

In situations where mothers who are victimised by their partners carry the responsibility for protecting their children from harm and feel burdened by the responsibility for managing or stopping their partners' violence against them, advocates play a vital role in supportively engaging with their clients to come to an understanding of the complex psycho-social effects, on children.

8. Part Two: Court and other legal interventions

8.1 Theme: Statements for court

8.1.1 Sub-theme: Reliable safety assessments

Advocates confirmed that they were responsible for presenting the views of their clients to the WFVC through providing memoranda and impact statements that they prepared in consultation with their clients. They were aware that the WFVC, and their clients, depended on the reliability of the information they provide. Their specialised understanding of the dynamics of intimate partner violence enables their safety assessments to take vitally important contextual information into account in preparing and presenting their assessments.

Whether it's a decision about bail or a decision about sentencing, whether its remand in custody, whether they are listening to evidence in a hearing, they are so reliant on what is presented to them and if they don't get that full information they have to go by what is presented even if their gut feeling is that this is not good (KI1, 59-62).

Advocates take considerable care with the reliability of their statements to court since they are aware of the importance of the documents, and also aware of their own dependence on the WFVC's protocols to be able to represent their clients' needs for protection from harm.

The reality is that I know when I worked at court I was so careful. [It's risky] to put anything up that you can't stand behind, and [named advocate] is even more mindful of that. They are incredibly careful about what they put in those statements (KI1, 613-616).

Dealing with the emotional effects of the dynamics of violence in their intimate relationships can seriously affect the ways in which clients understand their own safety needs and the needs of their children. When there has been a long history of violence in the relationship, as was the case for the women we interviewed, the trauma of immediate threats to their physical safety may not enable them to realise or recognise the extent of the harm they face as an ongoing threat to their holistic wellbeing. Thus the reliability of safety assessments that are conducted by advocates is also crucial to their clients' understanding of the risks they face.

Women who live in violent relationships often live in an altered sense of reality, and it's not until they get the safety assessments done that they start to realise how much risk they have been in. They really, they are like a soldier in a war zone dodging bullets, thinking, "I'm bullet proof, I got away with that, that was close but I survived", they really are in survival mode...until they actually sit down with someone and go through that safety assessment and get an understanding how risky it has been for them and the impact it is having on their children (KI1, 238-240.)

Having adequate time to ensure that safety assessments were reliable was also critically important from the advocates' point of view. They were aware of the emphasis on overcoming delay that featured in the aims of the WFVC protocols, however haste was not always helpful to enhancing their clients' safety,

...often there is a rush to get a Victim Impact Statement on the file, a hastily prepared Victim Impact Statement is more damaging in some ways than none at all, because if there is nothing at all on the file to indicate the victims views they can at least stand the matter down and get an up to date victims' views (K11, 233-234).

When advocates do have adequate time to prepare safety assessments and plan safety strategies with clients they are able to take account of the psycho-social effects of the ongoing pattern of violence in their clients' relationships and present information that is relevant to the whole of the context in which the offence took place rather than only the specific events that resulted in the defendant's arrest.

8.1.2 Sub-theme: Benefits of collaboration for victim safety

Advocates talked with us about particular circumstances where their clients were so seriously frightened of retaliation that even making statements to the court through a third party put them at risk.

Even with memos, "who gets to see them? Do you read it out in court? Is he going to see it? Even when using the statements 'not to disclose to the offender' [which] we can only use in serious cases (K12, 201-202).

The possibility of using statements that are not to be disclosed to the offender for the sake of the victim's safety is highly constrained in a context where information sharing is a priority. In such situations the advocates relied heavily on their rights to confer with the judge and on the Judges' understanding of the dynamics that made such a serious risk a reality for victims,

...she's worried [about] what's going to happen when he reads it, whether she is living with him or not. If she is living with him, we have had women do statements and its like, "you can't put that in there, he will see it". That's where we have to do our work and try and keep her safe and still try and convey to the judge that there is stuff going on. It's good. We will try and word things in a certain way, so the Judge without knowing the detail, knows something is going on and our Judges are really good on picking up on that stuff (K12, 214-219).

At times the advocates will take responsibility for the statements themselves, so that their clients cannot be blamed by their partners for the consequences of the information provided to the court.

They don't want him to get mad about it...you know, we have had a conversation with her and she feels too unsafe to do something, so we will put forward from us, like this is what we think (K12, 207-209).

One of the benefits of the ongoing collaboration between community victim advocates and the judges in cases of such acute fear of retaliation, is that the Judges understand the underlying dynamics that inform advocates decisions to present information themselves. At times the collaboration is close enough, and the advocates have worked with specific judges for long enough, that they are able to present information very obliquely with confidence that the judge would understand their clients' fear and the risk to her safety.

...when there was someone who was too scared to even have a thing said, there would be a simple phrase, something like, "under the circumstances the victim has declined to

give any input". Immediately Judge [name] or Judge [name], because we had worked together for so long, they would click – "ok, it's just not safe for her to talk" (K11, 129-132).

The advocates were clear that they carried a serious burden of responsibility for the safety assessments and victim information provided to the court. From their point of view providing reliable information was critical to the court and to their clients. However, they also understood that in the context of collaborating with the justice sector, they did not carry the responsibility for victim safety alone, nor were they alone in being responsible for ensuring that reliable information reached the court. The benefits of collaboration extended to sharing responsibility for providing WFVC with the documents on which victim protection depends.

I think the safety assessment and the Victim Impact Statement are quite easily done by the service providers working with the woman and I think that victim's views on bail should be a joint responsibility between the officer in charge, prosecutor and that agency working with the woman. I think the prosecutor has a real responsibility in terms of providing protection to the victim to ensure those documents are there and if they are not the case gets stood down until they can get them (K11, 120-125).

From the advocates point of view it is clear that sharing responsibility for their clients' safety provides the best safety outcomes and that all agents involved in interagency collaboration are important to the overall effectiveness of coordinated criminal justice and community responses to stopping intimate partner violence.

8.2 Theme: Going to court

8.2.1 Sub-theme: Only if necessary

Advocates talked with us about their experiences of working with women who had been required to go to court to give evidence in defended hearings. They affirmed the women participants' view that going to court is unsafe and should be avoided unless it is necessary.

In some circumstances advocates were aware that their client's partner or lawyer had been pressuring them to come to court and speak directly on the matter of her safety.

[The victim should be in court] if it's necessary to be, if she's required to give evidence...in cases of defended hearings. I have huge concerns when women are brought into court, particularly if they are encouraged to come into court by their partner or his lawyer, and there is a lot of that, that happens in a very underhand way. You know where lawyers will talk to them on the phone, particularly if the woman gets into that rescue mode and/or is under pressure to do it, and she is asked to come to court to tell the judge [how safe she is] (K11, 76-82).

Since this is understood by the advocates as a form of coercion and potentially intimidating for their clients, judges should avoid putting similar pressure on victims,

I would really like to discourage the practice of judges putting it to victims to tell them what their needs are in terms of safety. I think that's an incredibly difficult situation to put anybody in regardless of whether she feels safe or not (K11, 82-84).

Because their clients were often subjected to threats, intimidation and coercion outside of the courtroom, advocates believe that encouraging victims to attend court may well undermine the court's intent to protect them from further harm, and inadvertently provide support for their partner's coercive or threatening tactics. Advocates believe that an independent assessment of safety is crucial because of the potential for violent partners to intimidate or coerce the victims to accompany them to court for such purposes as changing bail conditions.

I wish that the courts would [desist] with this process of allowing victims to come in, encourage victims to come in to do bail variation, I don't believe women should be expected to do that, in fact I believe that anyone that comes in dragging their girlfriend, partner along with him at the instruction of the lawyer to come in and do that, should be viewed with some suspicion. No one should be changing those bail conditions without an independent assessment being done by an independent advocate (K11, 586-592).

When advocates' clients have been carrying the burden of responsibility for their own victimisation and are experiencing the traumas associated with their partner's arrest, including coercion, threats, intimidation and blame, the expectation that they are able to attend court and speak openly on issues of their safety demonstrates a lack of understanding of the dynamics of violence in intimate relationships and of the real risks of harm that women victims face if they are required to attend court proceedings.

8.2.2 Sub-theme: Love and fear

The advocates' reasons for objecting to the practice of encouraging victims to attend court proceedings was based on their experience of clients' emotional responses to seeing their partner in court. These reasons resonated strongly with the way the women participants had spoken of their fears at the prospect of attending court, and their relief that advocates would take that responsibility on their behalf.

Advocates talked with us about both love and fear as aspects of the emotional responses that going to court may provoke for clients,

...that's a two sided fear too, because like there's the fear about seeing the scary him and the intimidation, but I think they also have a fear about seeing him and what it will do for their love feelings or their, you know, their nice feeling about them (K13,100-102).

Fear of retaliation was a noticeable concern, based on prior threats.

...obviously the expectation, "what will he do to me? What will he, his reaction be, umm if I actually do this, 'cause he's always said he's going to kill me or whatever if I do that?" (K13,31-33)

And I think to ask someone for their own views on safety issues is sometimes the most difficult thing for them to respond to. Because all those questions will go through their minds, "if I say this, what will happen?" (K11, 138-140).

Advocates also talked with us about cases where their clients had been romanced by their partners, and when that did not work to coerce the woman to be silent about their offences, the woman was physically assaulted,

...it's like the situation that I had earlier you know, and in between time he's actually presented her with an engagement ring. Umm that is one way to hide it, but when that kind of didn't work; he then assaulted her (KI3, 73-75).

The women participants' fears of seeing their partner in court were also echoed by the advocates' accounts of their experiences with clients. Advocates understood that their clients' fears of being in the same room with their partner could remain even though they had taken other steps to prevent the violence themselves.

You know, the fear is real, umm, and in the situations where she has maybe been in a safe house or really kept away and changed her life completely, you know, from friends, the whole bit, completely removed herself from that area, when she's moved away and done all of that she's ... [scared] about having to see him again. A lot of women ask us, "can we have a screen? Do I have to be in the same room as him?"...those fears of actually seeing his face again (KI3, 86-96).

When clients had taken steps to stop the violence by separating, relocating and recovering to the extent that they are safer in their everyday lives, having to appear in court can evoke a fear of returning to the emotional distress from which they have worked hard to escape,

...it's like, once again, it's taken them so much to get to that stage and they're just so, and you know, they all had their down, grieving place and things, and its like dragging them back to that place again, when maybe they felt really bad and sad, and don't want to go back (KI3,102-106).

In circumstances where women experience love, fear and the trauma of ongoing violence in combination with the immediate threat of intimidation and retaliation from their partner before, during and after a court appearance the role of CVS advocates as representatives of their clients at court relieves victims of the burden of taking responsibility for their own safety at the courthouse.

8.2.3 Sub-theme: Evidence from defended hearings

In discussing the issues related to their clients' feelings about attending court proceedings, the advocates also spoke of their experiences of supporting women whose partners pleaded not guilty and so court attendance was necessary to provide evidence of the offence. Defended hearings provide defendants with more opportunity to use threats and/or coercion to prevent their partners from giving evidence and succeed in having charges dismissed or withdrawn.

My sense is that they are at quite a lot of risk when that defended hearing stuff is going on, in terms of both trying to get them withdrawn or not give evidence (KI2, 42-43).

When their clients are still in a close relationship with their partner as a defended hearing proceeds, advocates understand that the outcome of the matter before the court is likely to have consequences for the victim as well as the defendant, and so that if she decides not to co-operate with the legal intervention, it may be connected to fear for her safety in the future.

[If] they are still with the partner, sometimes I think it is a safety issue, because if they go ahead with it and they are still with this guy what's the outcome going to be for them, depending on the charges and what sentencing he might get if he is found guilty, how is the issue then (KI2, 45-48).

Even when clients have separated from their partner, they may still be afraid of future retaliation.

I know there are clients that are not with their partner but are still too afraid to go to the hearings because of what the comeback might be to them or to their family (K12, 78-79).

Advocates experiences of supporting clients through defended hearings provided them with opportunities to witness how anticipated intimidation and threat was realised in encounters between their clients, the defendants and others, including his associates and friends.

Sometimes, in encounters between their clients and defendants, threats can be subtle and relatively discrete.

We all know, who work in this business, about 'the look'. Women talk about 'the look'... you could take a victim into [a legal process] with support people sitting along side of her and encourage her to say all the things she wants to say and he will sit there like a lamb and take it and he will give her 'the look', the look that says "you'll keep, I will get you later". And people will leave and be unaware about it happening (K11, 161-167).

Sometimes, when defendants' attempts to control their partner are more obvious, advocates had witnessed judges intervening to prevent interaction between their client and the defendant.

I've seen Judge [name] - because the offender while the victim was giving evidence - was trying to stare her out, pull faces, throw his hands in the air and generally carry on. He got ordered, even though he had to stay in the same room, he got ordered to sit in the corner up by where the judge's bench was with his face to the wall. He could still hear everything, but he wasn't allowed to look at the victim while she was giving evidence. Because that was really him just trying to control her as she was giving evidence (K11, 144-149).

For the advocates, defendants' body language often made it obvious that they were primarily interested in controlling their partner and when they were unable to do so they would enlist support from others,

...his whole persona is how dare she get away, you know like how dare she get away from me, you know its like that he's got to have that control so he will organize for people to be watching, cause we have that a lot, people watching on behalf of and stuff (K13, 672-674).

One advocate provided a specific example of how effective the defendants' associates could be at intimidating a client giving evidence at a defended hearing.

I saw another woman giving evidence in a case of someone who was a patched gang member and I was sitting at the back of the courtroom while she was in the witness box. The door opened, a guy walked in that I had never seen before, looked at her and turned around and walked out. And she just went to pieces and after she had finished giving evidence, I ran out the door to see who he was, and where he had gone, and he had gone down the stairs outside. I said to her afterwards "who was he?" She said he was the gang leader, and he never got off his couch, ever. Big, huge guy, he's never got off

his couch, he never moves. So for him to come from there and into court to eyeball me was to tell me how much trouble I was in for giving evidence (KI1, 150-258).

Advocates were also aware that there were cases, in Aotearoa/New Zealand and Australia, where victims had been murdered at court, so they took the potential threats to their clients very seriously.

There was a very bad murder in Australia when we were over there and that was directly the outcome of...what was said in [a court] mediation process. He has then killed her out by the lift door as she's come out of the door. And it's happened on more than one occasion and I don't know why they think it's any less risky in a criminal court (KI1, 568-574).

Lethally dangerous outcomes for victims of intimate violence after court proceedings evidence the failure of the criminal justice system to hold offenders accountable for their violence and prioritise victim safety in these instances. When women victims are at real risk of retaliation from their partner because they bear the burden of blame and responsibility for their own victimisation, it is not safe for them to be required to attend court.

8.2.4 Sub-theme: Safety measures

Since advocates do take the threats to their clients seriously, they also take steps to put safety measures in place whenever possible.

I mean you've got to be scared 'cause you know, it's, it's the people who could be waiting outside of court or the family that's there to support him that will have a go at her or whatever. So, umm you know, I think there's been some times when maybe they have been really lucky there's not been a homicide at the courthouse... I've had some cases where I've had to go to quite a bit of trouble and seek permission from the judges or whatever who have allowed me to use the back entrance of the court for the woman that's giving evidence. And they've actually allowed me to use their entrance to go out to the back, take her out the back, and have a car waiting down the back because we were really aware that there would be people out the front of the court waiting for her, so they could follow her to where she would be going because she'd been kind of completely undercover until that court hearing (KI3, 643-652).

In this kind of situation the collaboration between community victim advocates and the Judiciary serves to enhance the women's safety because both understand the threats that the victim faces and the limitations of the resources available to ensure her protection during court proceedings.

Advocates also told us that at the WFVC they were able to make use of a secure victim suite when it was necessary to protect particularly unsafe victims.

We have got a victim suite at Waitakere, one of the good things when they refurbished what had been Family Court and our criminal court next door, was that they did create a suite of rooms for victims where they can be under lock, because you have to have a swipe card to get in. We used it for family violence and when she was coming in to give evidence against someone who was very violent and she was frightened we could walk her from that room across just across and down through the internal staircase (KI1, 575-582).

In providing us with these accounts of the measures that advocates took to enhance their clients' protection during court proceedings it was obvious that they took up responsibility for escorting the women to and from the courtroom themselves, and thus incurred the additional work of providing the only security services available for the women whose safety was at risk. Advocates told us that despite the safety measures already taken at the WFVC, there was a need for more security.

I think there needs to be more security, umm you know, we have issues like walking the women back and forth from court like for hearing and things like that (KI3,633-634).

Advocates talked with us about the ways in which the WFVC protocols took account of victim safety at court through the use of a particular practice note which restricted defence counsels' access to victims who are present at court.

We have used parts of the practice note that was originally issued in around 1994, which said lawyers may not approach a complainant in a family violence matter unless she is in the presence of the victim advocate or someone acting as an agent in that capacity (KI1, 69-72).

This practice ensures that lawyers cannot be inadvertently co-opted into co-operating with defendants' attempts to coerce or intimidate their partners. Defendants who are not attempting to control their partners have no reason to object to the presence of an advocate if their defence counsel wishes to discuss proceedings with the victim.

They were also hopeful that the recently introduced Evidence Act (2006) would enable victims to be less likely to need to give evidence themselves

I think there's some good things...in the Evidence Act which I would see working - the hearsay stuff. And that's where I could see it could be really, really helpful for women who are really petrified about being the person to give evidence (KI3, 133-135).

The Evidence Act (2006) might also mean that victims are provided with screens to prevent them from needing to see their partner in court. This is one of the small but significant practical safety measures that are available in courts internationally and that were mentioned by both advocates and the women participants.

Umm screens and stuff I think they have opened that up too under the Evidence Act, the ability to use screens and things. Whereas we've asked for various things, like we have asked prosecutors if it's possible to have a screen. Basically we just sort of get denied and then it's awkward because we don't feel like we can go over their heads and ask the judge or the court, so umm you know that kind of thing. So you know, you normally get a blanket 'no' on those. It's like "no it's only for sexual offence cases", so I think that will be quite good if those things start to move (KI3, 142-147).

In supporting the women's need for screens when it is necessary for them to appear in court the advocates take account of their specialised knowledge of the dynamics of intimate violence, as they do when they provide whatever security measures their resources allow when they are supporting clients who are required to attend court.

8.2.5 Sub-theme: Delays and judicial monitoring

Advocates were clear that the aim of overcoming delays in court proceedings needed to be linked to the aim of victim safety. It was especially important that the emphasis on overcoming systemic delays was not interpreted as serving the purpose of pragmatic convenience. As had been discussed in relation to the victim safety assessments, haste is not always in victims' best interests. There are times when victim safety is best served by monitoring the offender within the court system.

If they are going to roll out family violence courts across the country, if the purpose of doing that is simply to dispense with cases faster, then there is a risk of endangering victims more because adopting a one approach fits all response in the interest of expediency does not put victim safety first. So speed of plea plus quick disposal of cases does not always equal best outcome. While it's useful to gain a quick plea, there is a lot of merit for holding the offender in the system for some time while he attends a programme whilst being able to keep in touch with what the victim's experiencing over a period of time. Family Violence Court is not primarily, nor should it ever be about fast turn around. It should always be about victim safety, information is critical, ongoing updated information from community victim services that are working with the family (KI1, 635-644).

Prosecutors and police also need to understand that expediency can increase risk of further victimisation if it means that not enough attention is paid to monitoring offenders' behaviour. Their role in the co-ordinated response of the community and the court at Waitakere is critically important.

I think it's really, really critical if they are going to have family violence courts that they don't think of them in terms of expediency. The same goes with prosecutions. It may be a little bit more of a pain to have to put that file back in the suitcase and take it back down to court every 4 weeks whilst that guy is attending his programme, so they can monitor him and track his behaviour over that period of time. It may mean that the officer in charge on the case has to keep in touch with the victim and ensure while he is attending that programme he is not breaching bail or he's not beating her up again. Police might have to keep tracking that. It's really important for prosecution to pull their game up, prosecutors and police they really have to work as part of this. We all know that over half the murders every year are family violence related, now if they want to cut those big enquiries down, do a little bit more work at this end (KI1, 661-670).

When judicial monitoring is the reason that court proceedings for particular cases are spread over a long period of time, the court also needs to scrutinise the engagement of the offender in the programmes to which they have been referred. It is not adequate for victim safety if the court only monitors attendance.

You could have a court that's got a revolving door for defendants to come in and out and in to the nearest men's programme and back in again and get their discharge or whatever, which I think is what all their lawyers are working towards, discharge without conviction. But if you are not considering victim safety in that, and if you are not ensuring that programme is authentic, that the programme is good quality and he's authentically engaged, you might as well be putting them on a merry go round (KI1, 689-694).

From the advocates point of view there are clearly times when hastening court proceedings is at odds with prioritising victim safety. This is most clearly the case when quick disposal of cases affects the reliability of information about victim safety that is available to the court, and when expediency is valued as more important than the court's potential to enhance victims' safety by providing effective monitoring of offenders' psycho-social change.

8.2.6 Sub-theme: Delays and defended hearings

From the point of view of advocates, delay has quite different meanings in relation to defended hearings than in relation to guilty pleas and the judicial monitoring of offenders through programmes. The advocates talked with us about the way in which not guilty pleas were understood by some lawyers as an option for defendants to avoid convictions, and responsibility, although that may not be in the best interests of their families' wellbeing.

The main thing with the defended hearings is that I think, there's no doubt about it, that guys are getting legal advice from their lawyers to say they are not guilty and its not in the best interest of the whole family (KI3, 11-13).

In some cases, they were aware of defendants who choose to plead not guilty specifically because of the likelihood that charges would be withdrawn or the case dismissed.

With defended hearings, I think it is, some of these people know how to work the system. Plead not guilty, go to a defended hearing, she's not going to show up or she's not going to give evidence (KI2, 27-30).

This understanding depends on realising that victims often do retract statements or refuse to give evidence and it does not reflect a lack of knowledge of the dynamics of intimate violence. 'Working the system' involves a considered strategy by an offender who is intent on exercising control over his partner. In some cases, control strategies included using the criminal justice system to deliberately prolong the case and distress the victim,

...that in itself was a head game to her, delaying the process again, now having to go in front of a whole lot of other people. Saying to her "you're crazy, no one is going to believe you." (KI2, 22-23).

Advocates also talked about the way in which delayed defended hearings impact on their clients' likelihood of reconciliation with her partner, even when their clients anticipate this possibility with some fear.

I also think [in] the distance between them is that fear - the fear is there because they know it's going to be, you know, two months away or three months away so it's either, they have been strong up to now and really trying to do this, and then they know in that three months the possibility of him actually getting back under her skin, getting on her good side is there, and it's like the women know that themselves (KI3, 37-41).

Delays provide defendants who are "playing the system" with more opportunities to access victims and engage in coercive strategies that are aimed only at avoiding conviction and are not genuine attempts to reconcile and heal their relationships. Delay also provides more opportunity for the defendant to threaten the victim.

Then all of a sudden it's going to be dragged out for that little bit longer...and umm, you know, how are they going to do it? How are they going to keep it together? ...and obviously the threat stuff (KI3, 49-52).

The strength required for victims to remain cooperatively engaged with a drawn out legal process in the face of coercion and threats puts significant demands on their psychological wellbeing. Sometimes, when their clients have separated and are living more safely, they simply do not want to re-visit the emotional turmoil of their victimisation at the hands of their former partner by giving evidence against him in court.

I think you do get those women who just say, "I don't want to go and give evidence, it's over and done with, I've moved on", you know, but, but it's about being dragged back to that place again (KI3, 107-109).

Advocates also told us of cases where defendants were engaged in tactics of control such as coercion or threats during the delays that are involved in defended hearings, and yet their client did give evidence in the end,

...it can work for us in so far as, I mean he started his programme and of course he's doing the real honeymoon period stuff, after the assault he's trying to win her back and do that same stuff but then, quite often when the defended hearing is like three months away, he can't quite keep it up for that long, and so in that last month he actually starts to display some of that [abusive] behaviour. You know when you're talking to her she's actually starting to see it, so it has been sometimes that a woman who's kind of like really wavered, and [was] then saying, "no I don't want to go to a defended hearing, I won't give evidence", in that last month it's like, "right I'm going to [do it]", and be there (KI3, 117-124).

In this example the advocate draws on her understanding that the complex psycho-social effects of intimate partner violence require time and their clients' strength for personal change to achieve outcomes where her determination to co-operate with legal interventions can result in her partner accepting responsibility for his violence and pleading guilty,

And sometimes when we get to the court on that day because she has shown up sometimes you will find they will change their plea or they will negotiate with the prosecutor about a plea to a lesser charge (KI2, 30-33).

In the advocates' experience, delays involved with defended hearings do have consequences for their clients' safety. They are aware that defendants sometimes "play the system" to ensure they have as much time as possible to re-exert control over their partner so that it becomes more likely for the charges against him to be withdrawn or dismissed. Clients sometimes experience their partner's attempts to delay proceedings as a form of psychological abuse. Staying engaged with the process of legal intervention over long periods of time demands considerable strength from the advocates' clients. None-the-less there are situations in which the time delays involved in defended hearings enable the women to become stronger in their own personal change process and engage with the legal process to hold their partner accountable for his violence. Whether delay provides an advantage or disadvantage in relation to women victims' safety depends on complex psycho-social factors in each particular situation.

8.2.7 Sub-theme: Making the decisions

Advocates are aware that it is extremely difficult for victims of ongoing intimate violence to stand up in court and speak to the judge on the matter of her safety. The women participants in this study gave us examples of instances where their safety would have been better supported by someone else taking the responsibility for making decisions about how to deal with her partner's offences. They specifically referred to the importance of police making decisions about proceeding with charges against their partner as an instance in which they were relieved of the burden of their partners' attempts to coerce, threaten or intimidate them into withdrawing statements. Advocates agree that this decision making is vital to protecting victims, especially given the risk of retaliation associated with intimate violence.

Once that charge had been laid it had to go to area controller level before any charge could be withdrawn, regardless of the views of the victim, because their argument was, "if this person had been assaulted on the street by a stranger we wouldn't pull the charge simply because the person wanted it, so why should we do it because it's in a family, in fact she's actually at more risk of another assault within that family environment" (K11, 413-417).

The Advocates saw that there were also three specific occasions on which the judges of the WFVC have the opportunity to make decisions that involve victim protection.

When it comes to issues of safety of the victim, she is often the last person who can give that information to the judge. In fact when a victim comes into court, a family violence victim comes into court, she is seeking protection of the court and in doing that she is actually hoping that the court will help make those decisions for her rather than her having to take responsibility for her own safety. So there are three times where the judges can do that. The first is at first appearance when bail conditions are set or remand in custody is sought. The second is at any bail variation and the third is at sentencing (K11, 89-95).

Setting bail conditions and considering variations are critically important times for taking a victim's safety assessment into account so that appropriate decisions for her protection are made.

So, if you get someone who has done a really violent assault on his partner, but this is the first time its been reported and so he has no criminal history, he has no history of appearing before court, from his lawyers point of view he can make quite a convincing case for bail, particularly if he has got a job that he is at risk of losing if he gets remanded in custody, and particularly if he is the main bread winner for the family. All of those things can be used by lawyers as strong mitigation for bail. Unless they weight victim safety a bit more than they sometimes do now, or they are able to establish a practice where they can talk about the victim's safety and make those decisions for the victim rather than putting it all on the victim to make the decision herself, we are going to continue to have women at risk because guys will get bail when they shouldn't (K11, 253-262).

We were told of specific cases where bail decisions made by prosecution primarily to protect victims, were in the best interests of her safety even though she was not engaged with advocacy services and was clearly motivated to retract any suggestion that she was unsafe.

She had turned up, she had got a bit of courage, and she demanded the case be recalled and she wanted to speak to the judge herself about her views on bail and she did the whole "I love him, I want him home, its not his fault, I'm not scared of him" and all the rest of it, and she didn't want me to speak for her, she wanted to speak directly to the judge. So she stood up, and she had two black eyes, half her hair had been pulled out, but there she was arguing and doing a fantastic rescue job which he probably would have expected. The judge turned to the prosecutor and the prosecutor got up and said, "not withstanding the victim's views on bail your honour, we don't believe she is in the best position to make that call so we are going to continue to oppose bail." For me, I could have given that guy a bouquet, that was exactly what needed to happen in that situation (K11, 268-277).

Sentencing is the third opportunity for the WFVC to make decisions that protect victims, and advocates views on sentencing in relation to victims safety emerged as a theme in its own right, and is discussed in the final section of this analysis.

8.3 Theme: Chances to engage in change programmes

When talking to us about the opportunities that the WFVC provides for defendants who are charged with family violence offences, they discussed two kinds of opportunities: the chances given to men to engage in psycho-social change programmes or interventions that aim to transform their controlling and abusive behaviour towards their partner, and the chances they are given to respond to court interventions for re-offending before they are sentenced to imprisonment.

8.3.1 Sub-theme: Consulting her

In cases where the prosecution engages in negotiations with defence lawyers to coerce a guilty plea so that defendants can be referred to programmes and monitored by the WFVC, advocates expressed some concern about instances where there is no consultation with the victim, and her views on the appropriateness of lesser charges or her willingness to testify are not taken into account.

But even that in itself with the lessening of the charges and he enters a guilty plea, I had a client who said, "I was more than willing to have my say in court that day". She didn't want the charge lessened; she had no input into that (K12, 31-33).

Although coercing guilty pleas to lesser charges do provide opportunities for the defendants to engage in change programmes, if the victim's views are not taken into account then the strategy may alienate her from the rest of the court proceedings making it more difficult for the court to be well informed about her safety. It may also mean that opportunities for change within the couples' relationship are missed because she is not given the chance to engage with the change process alongside her partner. Advocates also gave us examples of cases where their clients had these chances and it made a substantial difference to the outcome for both the victim and the offender.

...it's the individual circumstances of each situation that I see...you know, like, I mean I've sat there and seen guys, umm, just get out of a prison sentence by a, you know, a hair, a hair. It's been that close and its happened because of what they have decided to do as a couple. Umm you know, you can see the genuine, umm, you know, the genuine

want and desire to actually do all the changes necessary so I think, well better that they get that chance, sort of thing (KI3,483-487).

When change programmes or interventions are most effective both the offender and the victim have the opportunities they each, and together need to be consulted and supported through the change process. When victims are not consulted their opportunities to enhance their safety through the interventions offered by the WFVC are foreclosed.

8.3.2 Sub-theme: Sentenced to change

Advocates talked with us about some of the hesitations around sentences to undertake change programmes under the supervision of Community Probation Service. At some courts internationally, sentencing to change programmes is not regarded as best practice (Standing Together, 2005) as perpetrators are less likely to engage in change without taking responsibility for it themselves. The advocates explained that supervision sentences provided opportunities for men who did not want to engage in change programmes to avoid doing so. At least in part, this chance to avoid the change programme to which they were sentenced arises because of systemic difficulties in the provision of adequate resourcing.

Can I say, with all due respect to probation, they are overwhelmed with the amount of work they are dealing with. They very often, in the past I have had, say someone has been sentenced to supervision with special conditions to attend a programme, what will happen is, they will turn up at the probation office and they will report to the duty probation officer on the desk for the first three months and half way through that six month supervision sentence, if they are lucky there is enough money left in the kitty, they will be sent to an anger management programme which the probation officer can only enforce during the period of that probation. So literally that means he will only go for as long as his probation officer tells him. Now that gives him three months to go and do twenty weeks, well its not necessarily going to happen like that. Add into that mix, that the probation officer might have one or two days off where he doesn't actually meet with that guy, so the guy just turns up and reports to the duty officer again. He could put in a couple of excuses to the probation officer why he didn't go that week or he had overtime or the car broke down or whatever, and time and time again I have met up with women on the streets and asked how it's going. "Oh well that was a joke, he didn't go until three months in to his sentence and he only went twice and then he didn't keep it up anymore." So again I don't actually believe that probation conditions is the best way to go if they are going to go down that route of sending them to a programme (KI1, 348-367).

The length of the supervision sentence becomes critical to ensuring that there is a genuine opportunity for Community Probation Service to supervise the men's engagement in change programmes and to be able to provide informed assessments of their genuine attempts to engage. We were told that more recently the judges at the WFVC had been giving longer sentences of supervision to provide more opportunity for effective supervision of the sentence.

I know [community offender service organisation] gave the feedback that, say a person got, sometimes they were just given six months supervision sentences, and so by the time the probation centre get into it and do their paper work and stuff there is only, by the time they actually got them starting [the programme] there was only two months of the probation period left. So for those guys who didn't really want to do it? As soon as their probation period finished they stopped going to [the programme] so I think maybe that

doesn't happen so much now because the judges now started, mainly the supervision sentence is nine months (KI3,568-574).

While the collaboration between CVS and the judges enables flexible opportunities for negotiating to meet the needs of victim safety, advocates still expressed some concern about sentencing to change programmes because they have noticed that when the offender's partner is a client of probation, she is less likely to engage with advocacy and thus less likely to have the opportunity to be independently supported through the process herself.

Quite often if partners are put on supervision, quite often those women are the ones that don't keep up as much contact with us, for some reason. Now whether that's because... maybe, you know, they see a Probation Officer, you know quite often a Probation Officer is talking to them both, seeing them both and stuff like that so I'm wondering whether that might be the reason (KI3, 545-549).

In noticing that their clients were less likely to engage in independent advocacy services if their partner was sentenced to supervision, the question of whether Community Probation Services were engaged with the victim as well as the offender was raised. This study is unable to address the questions of how Community Probation Services take victim safety into account in supervising offenders during their probation period and how victims experience their safety during the time their partners are on probation. These questions need further investigation.

8.3.3 Sub-theme: Paying for it

One of the reasons that the judges at the WFVC do sentence offenders to programmes under the supervision of probation services is because this enables the intervention to be financially supported by justice sector funding and relieves the family of the burden of paying for community based services. When offenders are directed to undertake programmes prior to sentencing so that their progress can be monitored by the Judiciary before a sentence is decided, they are categorised as 'self funding' and need to pay for the programmes themselves. While the most commonly engaged provider of community offender interventions does provide their services to WFVC referred offenders for a considerably reduced fee, and their community funding bodies bear the burden of providing the interventions at a financial loss, even this minimal fee can be a burden to the advocates' clients.

...we don't have a lot of women talking about the financial strain [of the court proceedings] in regards to [fines, legal or court costs] but we do in regards to them having to go to a programme...like being directed to go to anger management, that costs, so that can be a financial strain (KI2, 153-156).

The financial strain borne by the victims and their families when offenders are provided with the opportunity to undertake programmes before sentencing is not the only way in which victims may bear a burden as a result of the chances their partners have been given. Advocates also told us of cases in which the burden of cost included additional blame being cast on the victim by the offender.

...many women will say "I paid, he went but I paid." If they don't pay financially they pay in other ways. It will be, "well you're not getting this much this week because I've had to pay for this and it's your fault I'm going." So it can lead to a further grudge being held, because of the financial cost, because it's not cheap to go to those programmes (KI1, 374-377).

From the advocates' point of view, self referral under the WFVC monitoring system means that the court is dependent on offenders genuinely engaging in the programmes and dependent on the reliability of the assessments of the men's progress in making changes toward living free from violence that is given to the court by the intervention providers. The WFVC's dependence on these aspects of the programme is also of critical importance to victim safety because it is so often the case that the victim 'pays' in one way or another for her partner's chance to change their violent behaviour.

If we are going to get them to do self referral, themselves, to programmes and to pay for it themselves, we are going to be really dependent on the quality of that programme that they go to. We are really dependent on those men authentically engaging in that programme. We are really dependent on the quality of the reporting that comes back from the coordinators of those programmes. And it's the onus for payment on the family; it's not just him that pays. Often she pays as well and the family pays (K11, 367-372).

One way to ensure that funding is available and is not a strain on the family, or another reason for the victim to be blamed for the consequences of the offender's behaviour, is to issue Protection Orders for victims at the time of referral to the programme. Funding is available to support the financial cost of some programmes for both respondents and protected persons under the provisions of the Domestic Violence Act (1995) and once a defendant pleads or is found guilty of an offence in the WFVC, and with the consent of both parties, there is clear justification for granting a Protection Order. A closer relationship between the Family Court and the Family Violence Court at Waitakere might enable this strategy with the additional benefit that victims would not need to apply for Protection Orders through a separate process.

It is there as a sentencing option, it's there as part of a raft of things that they can use in sentencing. I don't believe making a Protection Order is a sentence in itself, but I think judges who have a Family Court warrant can utilise it with the consent of both parties, so she needs to consent to having that order applied for, she needs to be the willing applicant. The partner needs to accept service of that order, and if both parties are willing to do that, what you have then, is they are able to tap into a huge fund that is sitting in Ministry of Justice for people who attend programmes, both offenders and victims. So he gets a mandatory attendance at a 20 week programme that is paid for by the Family Court out of that fund (K11, 384-390).

It is critically important to note that when speaking of the cost of offender programmes to the victims themselves, advocate key informants did not only speak of financial burdens but also the burden of blame and risk of retaliation that their clients may face when offenders are referred to programmes. These burdens and risks carry a heavy implication for the responsibility that community offender programme providers have for assessing their clients' engagement in personal change and acceptance of responsibility for their violence. Providers of community based offender interventions share the interagency responsibility for victim safety and for holding offenders accountable for their offences.

8.3.4 Sub-theme: Taking their time

One of the ways in which advocates understood that the chances for change given to offenders through the WFVC process could be problematic for victims, and for meeting the aims of the court protocols, involved offenders using these programmes for change to delay the proceedings.

There's this group of men whose cases are going on and on and on and on because they kind of don't go to the programme (KI3, 737-738).

This kind of delay is damaging for victims because at first they find their partners reasons for not attending quite feasible, and they are therefore more likely to believe his promises to change. They remain hopefully engaged in the relationship even though there is no change in their partner's behaviour. This provides a context for the emotional turmoil that they have experienced throughout the history of violence in their relationships to be maintained during the time that the court proceedings are delayed by their partners' resistance to engaging with interventions,

...and [she's] just hanging on in there but deep down you know is quite upset or distraught because he's not doing the programme [but] they can still then think of one hundred and one excuses why that's the situation because he's saying, well he's been phoning and no one has bothered to return his call, or he hasn't really been able to get time off work, or they just can't afford it at the moment, or he's finding it hard to get the money together, or you know sometimes, you know, there can be reasons that even though on the one hand she's thinking this, there's also a valid reason sort of, why he's not going. So it just keeps her in that, it's like it keeps her in that roller coaster emotional, yep, that roller coaster emotion (KI3, 747-756).

The advocates told us that eventually, when his resistance to change has exhausted her hope, she loses faith in the possibility that the court's intervention can stop the violence perpetrated against her. While the court can sentence a recalcitrant and uncooperative offender, and may even sentence him to prison, sentencing does not fulfil the client's hope that her partner would engage with the programme and stop his violence against her.

"Why can't somebody make him?" And umm, yeah, so she loses that faith in the court system at that point because no one's actually making him. But its like nobody can, you know...there's not a way you can make him. All that can happen is the judge calls him back and goes "well blow you, you're sentenced anyway." But then she doesn't want that because she really wants him to do the programme (KI3, 758-762).

Where victims are hopeful of a change in their partner's violence towards them, delays in the offenders engagement in change programmes become an obstacle to her safety. Based on their affection and compassion for their partners many of the advocates' clients want their partner to receive help from community offender programmes and providers. This finding is compatible with Bennett et al's (1999) research in which victims reported that their intent in involving legal interventions in their relationship was so that their partner could receive help to stop his violence, and that someone else would take responsibility for ensuring that he committed to change. When calling the police is a last resort women victims have usually exhausted their own resources for managing and preventing their partner's violence.

8.4 Theme: Chances to stop re-offending before imprisonment

8.4.1 Sub-theme: The path to prison

Advocates were aware that intimate violence offenders were rarely sent to prison for their violent offences against an intimate partner. Before the court imposes a prison sentence there is usually a long process in which the offender has had opportunities to negotiate reduced charges, to engage in change programmes, and to re-offend. A prison sentence is most likely the outcome of a history of appearances before the court for the same kinds of offences, accompanied by a refusal to take seriously the court's intervention into their violence against their partner.

It's very rare for someone to be sent to prison, particularly on their first offence. In fact there is a process they go through. Let's say on each occasion the charge is male assaults female. First offence, first time someone appears, it's quite likely there will be a bit of negotiation and it may even be reduced to common assault. And he will get, for sentence, come up if called upon and directed to attend a programme. If he comes back again inside of that 12 month period with a second charge they may come down on him a little bit harder and there might be a final warning and another non-custodial sentence. If he comes back again a third time with an obvious, each time its MAF, if he comes back a third time and there is a history of previous convictions, and there is a history of not taking any notice of what the court tells him, that's when the court will start to say, "about time you went inside had a taste of what the State can do" and that's when he will get a small prison sentence (K11, 423-433).

Advocates are aware that their client's strength to stay engaged in the court process is often stretched even through the processes following one arrest and set of charges before the court. Many clients experience ongoing violence subsequent to their partner's first arrest. The women participants in this study also talked of repeated re-offending, especially in relation to bail breaches, for which their partners were not arrested even when the women had the courage to call the police. In providing opportunities for offenders to change their re-offending behaviour, the court can not take account of threats, coercion, intimidation and assault that are not reported to police or that do not result in arrest. This means that the opportunities offenders are given to change their patterns of re-offending often become opportunities to continue re-offending and to perpetrate unreported breaches of bail conditions, conditions of sentence, and the other orders issued by police or courts.

8.4.2 Sub-theme: Protection from orders

Advocates told us of their experiences with clients who commonly used available orders such as Trespass and Protection Orders to support their decision to say no to violence in their relationship, and 'no' to contact from their partner when it was unwelcome. Advocates confirmed that there were many other women experiencing repeated breaches of Protection orders, just as the women participants in this study experienced breaches of all kinds of orders.

In some cases advocates were aware of women using legal and family interventions, making changes in her own life, making the decision to speak against her partner at court, and none-the-less repeatedly experienced victimisation through breaches of some kind.

She went through a process where she applied for Protection Order, her brothers came up and put some boundaries in place for him about what they would do if he overstepped the boundary. She got a job, so she got a bit more independent, she then decided she would give evidence against him so he changed his plea, went off to anger management, she paid for that every time he went, and so on, but finally he got sent to prison (K11, 211-216).

The advocates and women participating in this study do not advocate for imprisonment as a sentence for offenders in intimate violence cases and it is often a long drawn out process that results in the court needing to use containment to prevent re-offending. Opportunities for offenders to change are offered repeatedly throughout that process.

Advocates understand that imprisonment as a consequence of breaches sends a strong message to offenders, but it does not protect the victim throughout the process. Since breaches of Protection Orders mean that their clients are harmed and at risk of future harm, they are aware that their clients' point of view on the consequences of breaches would be very different from that of the offenders.

I think they need to [respect orders] because there are going to be more consequences if they keep [breaching]. However, whether or not the women would call the police again could be another story (K12, 111-113).

From the women's and the advocates' points of view contact from respondents, without consent, is a particularly difficult breach to police. Evidence of contact breaches is hard to obtain. Advocates reported cases where access to children was used to intimidate their client, yet calling the police did not result in an arrest,

...if she has a Protection Order in force and the Protection Order says no contact except around the children, so he will come to pick up the children but then he will come in and start throwing his weight around or pick a fight with her and she will get frightened and call the police, but when the police come he will say "I'm just here to pick up the kids and she's just blown this all out of proportion and I'm the victim here" (K11, 477-481).

Advocates also reported another specific situation in which evidence of breaches was difficult to obtain: indirect contact with their clients, without consent.

The Protection Order says no contact directly or indirectly. We will explain what indirectly means as well, like through other people. He will do that; police will say "well do you have proof of that?" (K12, 193-195).

In contexts where breaches provide ongoing opportunities for offenders to intimidate and threaten their partners, and adequate evidence is not easy to obtain, the advocates' clients lose faith in the legal interventions that are intended to protect them and feel that their partners' violence against them is not taken seriously.

I'm not sure if breaches of Protection Orders are taken seriously enough; women lose faith in the system if they feel like nothing is being done, especially if he just continues to breach (K12, 184-185).

We are telling them, go report it, go report it, and they feel like they just get fobbed off, they are not taken seriously. They just want to stop this person from harassing them, so they do what the Protection Order tells them they can do and nothing happens, like what is the point (KI2, 195-198).

...it seems like nobody cares. And he will get bail and he will get a smack on the hand and he will get a conviction and discharge, they are like; "what is the use? It says in my papers that he could be imprisoned for a third breach or whatever. It doesn't happen." (KI2, 187-189).

Offenders are provided opportunities to engage in change programmes, and opportunities to demonstrate that they are taking responsibility for stopping violence in their relationship. When they do not engage with these opportunities and they continue re-offending the court does respond with imprisonment. From the point of view of the women, however, the offender may be taking advantage of opportunities for change to coerce, intimidate or threaten her so that she is not safe to report breaches. This finding also supports Bennett et al's (1999) study suggesting that women victims will cease reporting breaches or retract evidential statements when their experiences confirm that the criminal justice system is failing to protect them. When breaches are not reported or it is not possible for police to arrest for breaches because of evidence requirements, the court is only aware of the frequency of re-offending perpetrated against the victim through information provided in memoranda by advocates who have made assessments of their safety. When women give up on the justice system even the advocates may not know how safe or unsafe their lives have become.

9. Part Three: Other safety considerations

9.1 Theme: Meeting the needs of immigrant victims

Meeting the needs of immigrant victims is one of two themes that emerged from the advocate key informants' interview analyses that did not correspond with themes emerging from the victim interviews⁷. Advocates spoke to us about the particular needs of women refugees and immigrants.

9.1.1 Sub-theme: Limited community services

The advocates we talked with were aware that the community services available to support immigrant women whose partners were before the WFVC on intimate family violence charges were limited. Pacific Island communities were identified as needing significantly more resources, both in terms of people and funding, to be able to establish their own programmes within the broader Waitakere community.

I can tell you now that I have tried for the last [number of] years to get a Pacific Island Service up and going and I know Pacific Island safety and prevention programmes do work with families, and they do work with women, but they are hugely under resourced. I know that in the community in Waitakere there is real willingness to get a Pacific Island service providers network up and running for family violence services. However it's about having people who, its two things, having resources, and it's about having people available to do it (K11, 515-520).

For immigrant women from Asia and the Indian subcontinent the links between the community collaboration of the WFVC (WAVES) and specific victim organisations are still developing, and advocates spoke highly of the support they received through New Zealand Ethnic Social Services in the region.

In terms of Asian women and I include women from Bangladesh, India, the broader picture including Fijian Indian women. I think that there are some links in our community with [Victim Organisation], they are very tenuous and I think that needs a lot of work. I have a lot of hope... [WAVES have]... started doing some quite good work, regularly meeting with New Zealand Ethnic Social Services, and they had meetings of Asian, they have regular meetings once a month at their office where women from across regions come together and so...there is some real hope there. What it always comes down to in the end is funding, funding and resources (K11, 520-528).

While the resources might be stretched, there were times when helpful translation services reflecting the effectiveness of interagency collaboration were provided to CVS advocates working with immigrant and refugee women,

⁷ In a specific case one woman participant told us that her encounters with police and the court left her feeling blamed for her specific cultural understandings of violence because they were not well understood. However, no evidence from her interview was provided in the earlier analysis to ensure that her identity was protected. Her account of her experience was included in the sub-theme "making the decisions" in relation to women's experiences of being discouraged from calling police to initiate a legal intervention into their relationship.

...in terms of working with refugees we are quite lucky we have contact with our Ethnic Social Services so we can tap into there for an interpreter and stuff like that (KI2, 125-126).

And when a working relationship with NZ Ethnic Social Services meant that clients had access to a support person who understood their cultural needs and their needs for confidentiality in relation to their safety, it was useful for advocates to link women with culturally specific support.

I think it is really, really helpful if you can have somebody, umm, whose sitting in front of you and can say; "look, I work with so and so of your culture, you know she's Chinese, and you can really trust her, we can guarantee you that she's not going to talk to your community".... I've found that's worked 'cause I have that [option] for some of the cultures [represented by] New Zealand Ethnic Social Services... so quite often you know they are then prepared to take up that offer (KI3, 189-197).

Providing support for women victims who are members of minority cultural groups is a concern for CVS advocates in the context of a growing population of immigrants and refugees in the region. Their concern is highlighted by Robertson et al's., (2007) finding that immigrant women are less likely to know about Protection Orders. They are therefore less likely to be aware of the possibilities of legal intervention when they are experiencing violence against them from their partners. There is an urgent need for interagency collaboration to build specialised service capacities for immigrant and refugee women in the Waitakere district.

9.1.2 Sub-theme: Accounting for cultural difference

While sometimes tenuous but reliable assistance from social services for immigrants was valued by advocates, they were also aware that the systems into which their immigrant clients entered when their partners were arrested did not take account of differences from dominant, Pākehā, monocultural criminal justice interventions.

Our system, it doesn't allow [for immigrant cultural needs]. I mean people come with their cultural ideas, just the way things are (KI2, 105).

None-the-less advocates realise that there are cultural differences that may manifest through victims experiences of shame. Often immigrant women face the burden of maintaining family cohesion as a priority over their own safety.

There is a lot of the shame stuff culturally and also they will get pressure from the family, usually hers and his, about how she has shamed the family for calling people outside the family. They have all that stuff to deal with (KI2, 118-120).

Advocates themselves had a sense that offenders feel culturally entitled to act violently towards their partners even though violence is not acceptable to the women seeking their help.

...the men don't, I'm not sure if they don't take it seriously, and I don't know if it's a cultural thing, but it's their right culturally to be able to do... (KI2, 108-109).

Advocates interpreted the manifestation of cultural differences as particularly involving disclosure of violence by some immigrant victims who experience cultural pressures to maintain silence about their victimisation, especially where they may face community condemnation for speaking out against their partner.

But when you have a woman, for instance, an Asian woman who has a very controlling partner and it's been impossible to even to separate them through bail conditions, it's very hard to get access to that woman, and when you compound that by having a woman who's been so silent and it's part of her culture to be silent about that treatment, for so long, it's really difficult to even, that she will come out and make a disclosure. But once they do, they talk and talk because they have got years of it just spilling out because they have never talked to anyone for years and they have years of abuse (KI1 554-560).

In turn, culturally specific issues around disclosure had implications for clients' privacy and confidentiality needs. Based on advocates' experiences, many of their immigrant clients prefer to disclose to those who work for services that are not embedded in their immigrant communities.

...so they don't want to deal with anyone from their own community because they don't have that trust that it will remain confidential or whatever. We found that every time, every single time that that's happened (KI3, 175-177).

There's not a lot [of services for immigrant women] but then I find that those women don't want to tap into their own cultures... people are still going to talk and gossip and you know those, those you know, you've got the elders in their community who still have those traditional beliefs and like especially with Asians, like they have, you know, such a different line of respect for their elders and stuff in their communities, and so they really care what's being said about them and stuff so they just don't want to be involved in their community. They do not want the gossip and then quite often those traditions work against what they're trying to do, so you know, it's a bad thing for a wife to bring shame on her husband and shame on her family (KI3, 158-159, 165-171).

According to advocates, ethical considerations of privacy and confidentiality based on Pākehā cultural values enable some immigrant women to access victim services that feel safer because there is less risk of disclosure within their communities. While they acknowledge that cultural values and practices are significant in relation to interventions with all women, victim safety remains their principal concern and the common ground for working together with other agencies and community services that provide advocacy for victims.

We really need to be careful and really keep to the forefront [that] victim safety is paramount and so while those cultural issues are really important to make it something that resonates for that person that you are helping, you know what I mean, you can't impose a set of values or constraints that may not fit with their cultural model, but at the same time there has to be common agreed ground around the victim's safety is paramount (KI1, 531-535).

In relation to their understandings of the importance of cultural differences in understandings of intimate partner violence, CVS advocates provide evidence of the vital necessity of interagency collaboration towards providing services that are more culturally sensitive to the needs of immigrant and refugee women.

9.1.3 Sub-theme: Obstacles to safe intervention

Advocates spoke with us about the kinds of obstacles that make safe intervention for immigrant women difficult. While Pākehā values of confidentiality and privacy might be usefully engaged sometimes, and specifically in relation to disclosure, other aspects of Pākehā culture and dominant Pākehā social systems proved to obstruct a holistic approach to immigrant women's safety.

I think we can do a job of keeping them safe in the, umm, kind of like in the mechanical sense, yeah like we can put all the things in place and talk to them about, you know, where they go, what they do, things to watch out for, all of those sorts of safety stuff, all the things to be prepared for and all of that. I think that maybe there's an element of them still maintaining a place working within their cultural friends and that, you know, because they've all still got their weddings and their churches and things like that. Where we then think kind of maybe we don't understand as well as we should, too, that a person from their own culture can maybe talk to them about those things and keeping themselves safe or otherwise, even just the support from someone else in their culture, or it may end up being that they actually realise somehow that a group of people that are in the same position as them and think like them and kind of like that safety in numbers, it's almost like an emotional spiritual type of safety (KI3,201-210).

Without resources to take account of culturally diverse needs for spiritual safety, advocates are limited in the support they can provide for a significant dimension of the effects of violence on women victims' wellbeing.

In addition to this limitation, advocates also spoke about the difficulties of addressing immigrant women's safety by relocating them away from their partners, families and communities.

It's really hard. It's really difficult. Obviously these women can be unsafe in those situations but you pull them out of them and put them where? (KI2, 130-132).

Resources for relocation are lacking and are compounded if immigrant woman also have no legal status that entitles them to welfare assistance because of immigration sponsorship requirements. In effect, economic constraints of immigrant status can become a risk factor for women who are reliant on their partners for their legal consent to be in Aotearoa/New Zealand.

If they have no status in New Zealand it makes it even harder because you can't separate them from their husband because he is their financial security. WINZ can't touch them. We just found out through legal aid that they do have a provision in there for migrant people to access legal aid, which we have just found out about - to get Protection Orders and things like that - but that still doesn't help them out financially. Not unless Government is going to throw some money to get them some finances. They need money to be able to live apart from that person (KI2, 126-130, 139-140).

Advocates might lack the information pertaining to specific immigrant communities, and this is a potentially common obstacle for immigrant women. If they are financially dependent on their partners then access to legal aid for Protection Orders will be of little help in enhancing their safety if breaches of the orders cannot be effectively policed. Immigrant women in this situation would also need financial assistance for relocation and the ongoing support of their families if their partners' violence against them continued. Key informants advocated for specific government funding to assist immigrant women victims of intimate violence.

9.2 Theme: Safety and sentencing

The second of the two themes to emerge from key informants' interview analyses that did not correspond with themes emerging from the victim interviews concerned victim safety in relation to specific sentences other than the "come up if called upon sentence" which had been imposed on the partners of victim participants in this study.

9.2.1 Sub-theme: Imprisonment

When the intention of the WFVC is to address problems underlying intimate violence and to seek holistic and therapeutic outcomes that are oriented towards healing families, imprisonment is rarely considered an appropriate sentence, and advocates did not see prison sentences handed down very often.

Imprisonment? I don't see a lot of it and that's also what Judge [name] was talking about, [prison sentences are] no use if [they're] saying to these guys, "go do that, that and that, all these programmes", then you can't sentence them to imprisonment because they have done all this work (K12, 66-68).

They were most likely given in the most serious cases of physical assault or after repeated assault offences in the course of an ongoing relationship.

I mean obviously it's been like either a really serious assault or it's been a number of assaults, umm you know, they might have had that three, four week gap where they hated his guts sort of thing, but you know it's got onto the wanting the relationship back and all the pressures and all that go with it (K13, 254-257).

Advocates also associate prison sentences with those cases most likely to go to defended hearings because the consequences of a guilty outcome are the most serious penalties for the offender.

The extreme cases I have seen, they are the ones that seem to be going to the defended hearings. Who is going to want to plead guilty to charges where imprisonment is likely? (K12, 72-73).

None-the-less they had worked with women victims whose partners had been imprisoned and they understood the emotional impact and implications of prison sentences for their clients. They also understand that the scope of the emotional impact of prison sentences on clients is related to the ongoing character of the relationship.

And so you know the day that he's been sentenced which is more often than not quite a few months after [his arrest], umm she just breaks down and collapses umm because he's... he's being taken away (K13, 257-559).

...jail, umm has a huge impact on the time that's given [to clients], umm more often than not it's sort of, I mean it just so happens to be that a lot of the people we're seeing go to jail [to visit], the women still very much wanting the relationship, still (K13, 244-246).

Prison sentences often support the women's engagement in their relationship through the contact that is established for visits. From the advocates' point of view, some women's continuing engagement in a relationship with an imprisoned partner is fear based even though they are aware that their clients may experience this differently.

There are the women who, maybe quite often, will fall back into visiting him and hearing how much he has changed and done this prison programme or that prison programme and he's coming out a changed man, quite often they are more accepting of that. I think that just a fear based acceptance that, that they kind of think; "he's going to come out and he's just going to be worse" or "he's going to be whatever" so she's back into appeasing him and stuff (KI3, 325-329).

When the advocates' clients do decide that they want no contact with their imprisoned partner, service providers who are working with imprisoned offenders may also inadvertently support the maintenance of the relationship through coercive strategies focussed on the needs of the offender.

...she's already given permission for her number [to be given to him}, so then you kind of go on the next track of setting it up so that authority gets taken away. So he now can't ring and then, you know, you've got to deal with the prison social workers, Chaplin, or somebody, actually rings her anyway, just to say "is she really sure she wants to do this cause he's so upset" and they do that (KI3, 301-305).

Regardless of whether or not their clients want to stay in contact with their partners, advocates work to support them through the changes in their lives that inevitably follow from a prison sentence for their partners, including ensuring their financial security, finding respite care from children and supporting them to adjust to being a sole parent. In this sense, the responsibility of managing the increased stress of loss of resources and sole childcare is shared between the women and the advocacy service.

...her day to day stuff, so its making sure all of her benefits right...looking at what breaks she can have from children. You know a lot of the women then find themselves as just the sole parents, [those] type issues that happen for most people, so looking at those, that aspect, do they have the family support and other people and all of that sort of thing? (KI3, 268-272).

Since advocates are working alongside victims to support their everyday adjustment to their partner's imprisonment, they also often have the opportunity to witness how their clients come to realise the effect of their partners' violence on their lives, and the lives of their children because they are not living with abuse and managing his violence daily.

However you might talk to her three weeks later, if you put in the right support, and then all of a sudden she actually realises how good life is without him, so I think the key there is to understand her emotions when it happens and not in anyway put her down for it (KI3,257-261).

Imprisonment can be a time when advocates are able to work with women on otherwise difficult issues such as the effects of their partner's violence on their children.

Looking at children,[imprisonment] is a really good time, she's maybe not been prepared to consider it before, but looking at the impact, at what the violence and abuse has had on the children. 'Cause quite often dad's been the disciplinarian or, you know, the kids are always good when dad's around because they are petrified of him. But you know, for her, that the kids are good when dad is around and then all of a sudden they turn into these fair little hounds and she's not kind of coping, so looking at those sort of issues and getting that sort of help (KI3,273-278).

And it may also be a time when advocates can revisit some of the emotional issues they have previously discussed with clients. While there is no immediate threat from the partner the opportunity for reflection, rather than crisis management, is available for both the client and the advocate.

It's all the stuff you've talked to her about before, you know. All that stuff about having your stomach turning at five thirty when he's due home each night and things like that. And then all of a sudden it actually doesn't happen. Because even if it doesn't happen initially after the assault because she is sort of still way in the relationship, it wasn't that long before that kind of thing started again anyway because they started seeing each other. So you know this was the first time that she's actually had a clear block away from him (KI3, 283-288).

Advocates reported noticing a difference for clients in the effects of relatively short prison sentences and those that are longer.

You see the difference between who's having that break, and know he's going to be still in there for a long time, as opposed to having that break and knowing that it's only a matter of weeks before he gets out. There's a real different mind set, so that for a woman who...knows he's going to be out in eight weeks is kind of like, she's living the eight weeks at the time, like you know those eight weeks have gone on the day that he's gone in. You know, it's that different mind set, so very hard to get people to think that there are things that could be done in that eight weeks that could change (KI3, 337-342).

They also understood that short prison sentences were not helpful for offenders because they did not provide enough opportunity for any real change to take place through interventions arranged by Community Corrections Services.

I think [short prison sentences] are more risky because I also think they don't give the guy a chance to do anything in particular while he's in there, he's sort of in there for short enough that he can keep the frame of mind (KI3,366-368).

Despite the distinct difference between shorter and longer prison sentences, advocates still recognised that even a short period of time in which the offender was prevented from having contact with his partner without her consent, provided clients with the opportunity to consider relocating so that they were less easy to find when their partner was released.

I mean obviously that's always a situation you talk with women, you know. You've got a period of time where you can basically get the house packed and the kids organised and maybe moved or relocated and stuff like that, umm that's always, you know, that's obviously an option that we talk to people about (KI3,347-350).

Advocates are also aware that the fears which their clients have experienced during the course of their relationship with a partner who has repeatedly and/or seriously assaulted them may resurface for their clients when their partner is due for release, even when they have had no contact with their partner while he was in prison.

You've got the ones that are just [relieved] he's going to prison, really pleased, but then you've got stuff like the victim notification register and all of those things, 'cause the fear starts about; "oh my god how about when he gets out?" (KI3, 310-312).

And sometimes their client's fears are realised when their recently released partner returns to her house without consultation or consent.

Quite often there's been no contact whilst, you know for the eight weeks or twelve weeks or whatever he's been in there, but the minute he's comes out he'll just go directly to her house and next minute you, umm you find he's there, "oh he had no place to go" but basically he's knocked on the door and didn't give her a chance (KI3, 329-332).

The situations that key informant advocates associate with increased risk to their clients in relation to imprisonment involve other agencies and community services providers who are attending to the needs of the offender. Some obstacles to their clients' safety might be resolved through more collaborative interagency coordination in prioritising victim safety.

9.2.2 Sub-theme: Home detention

The recently introduced Sentencing Amendment Act (2007) requires judges to consider a variety of alternatives to prison when a custodial sentence is appropriate. Among these options is home detention. Advocates advised us that judges from the WFVC had already begun consultation with community organisations about the feasibility of home detention for intimate violence offenders.

We had a conversation with Judge [Name] yesterday after court about that. He wanted community agency views on the sentencing or how we could have input into the sentencing because there are the new sentencing things that have come out: Community detention, home detention and intensive supervision. So that's what Judge [name] was talking about; "how realistic is home detention in family violence? Having somebody at home 24/7 with the victim?" He was saying that's really quite unrealistic but those sort of things have to be canvassed if imprisonment is likely. They have to look at these other options in terms of sentencing law (KI2, 51-58).

In the context of a history of violence against their clients, and working in collaboration with a court where custodial sentences are only likely to be considered for the most serious assaults and for repeated assaults against the same victim, advocates clearly appreciated the opportunity to consult with judges in regard to home detention as an alternative option to consider.

9.2.3 Sub-theme: Community work

Although sentences to community work are not among the most common sentences handed down at the WFVC, advocates did have some experience of supporting clients whose partners had been sentenced to community work that involved them being away from home for a day at

the weekend. They were concerned that clients were often unable to meet their own work commitments because their partner was unavailable to look after their children.

You know in the community work one, where he gets taken away for a day in the weekend, that's sort of what I've always felt is probably not that great for the victim too... like a lot of these families you know, he's working six days a week or he works five days a week and on the weekends she's got a job and even though she's going to work, what she tells us of course is that it's still a break away from looking after the children, so you know she'd rather go to work and kind of have that little bit about being a woman and her own person than just being stuck at home with the kids. So all of a sudden if he gets a community work sentence of course she's basically in the situation where she can't go to work because he's got to go and do his (KI3, 593-595, 600-605).

Concerns about the effect of community work also included the opportunities their clients' partners found to engage in illegal activities that were connected with underlying problems that the court intended to address.

I can hear the women say it, "he met some guy and gets 'P' off him now at community work", you know (KI3, 621-622).

In advocates' experiences sentences to community work were detrimental to their clients and to healing families affected by intimate violence. These sentences do not provide offenders with opportunities to address underlying issues and also often serve to place responsibility for the family's weekend work and childcare commitments solely onto the woman victim.

9.2.4 Sub-theme: Fines

Fines are generally imposed as sentences for relatively minor matters before the District Court; they are "lower end" sentences. Since the matters of intimate violence that come before the WFVC are regarded as serious offences that have widespread repercussions for families and communities, fines are not often used at the WFVC by the resident judges.

They're not doing fines at all. I've not seen anybody with [fines]. Yeah, I mean I haven't seen anyone walk out with a fine. The only time I see fines, on the very rare occasion, and that's like you know, maybe once in a year or year and a half, we have a visiting judge who is still into dishing out fines. I don't believe in fines for domestic violence at all (KI3, 508-511).

I've seen court costs been put on top of a sentence but not just fines by themselves. It doesn't happen all the time but happens sometimes (KI2, 147-148).

Sometimes there are financial implications for diversion outcomes, however in these cases advocates are usually able to negotiate with the officer in charge of diversion for the financial consequences of the outcome to be redirected to pay for self-referred interventions programmes. This enables the best use of the court outcome to promote changes in the defendant's behaviour and provides a clear example of the benefits of interagency cooperation in sharing the burden of the victim's responsibilities in the aftermath of her victimisation.

With diversion you know, like once again very, very, [rarely], one in a year if you're lucky, diversion. But we'll talk with the diversion officer and once again, instead of paying money we'll still get that person to do anger management or something or, you know or

something like that if, if it's appropriate. So we can do that, we can talk with the police officer that does the diversions, rather than just have to pay the money. They're paying their money but they're actually doing a course at the same time. So umm yeah, I don't like fines (K13, 505-520).

'Lower level' sentences such as fines and diversion are rare at the WFVC. Advocates appreciate that the resident judges avoid sentences carrying the implication that intimate violence is a 'lower level' offence than similar assaults where victims are strangers. The shared specialist knowledge of CVS advocates and resident judges enables their collaboration in developing strategies that enhance victim safety.

9.2.5 Sub-theme: Section 106

At various times during the collaboration between Community Victim Services and the judges of the WFVC there have been tensions around the use of Section 106 discharge without conviction sentences for offenders who plead guilty and are referred to community based change interventions. From victims' points of view, the advantage of recorded convictions is that there is a record of the offence held within the criminal justice system that can be used if her partner is found guilty of subsequent offences and may also be referred to in Family Court matters. Recorded convictions also send a message to offenders that the WFVC takes intimate violence seriously. Despite advocate concerns, Section 106 discharges are also important options for sentencing when the judges are aiming to coerce guilty pleas, or to establish a relationship with the defendant that will enable more effective social intervention during the judicial monitoring phase.

I was able to show that from one year when [a particular Judge] wasn't there and the first year we had done this project it was at about 5% discharge without conviction. After [that Judge] started it went up to 19%. So that was when he was in his very social working phase where he was really getting involved in what the offenders wanted. He used to turn away and say to them as they were standing in the dock, "what do you think I should do with you?" And this guy had just heard him give someone else a discharge without conviction, "send me to a programme and give me a discharge without conviction". "Oh, ok then". So it's changed since then (K11, 703-710).

More recent WFVC sentencing practice has taken advocates' and victims' perspectives on the importance of a conviction "footprint" into account, and Section 106 discharges are being used more cautiously to ensure that there are less future occasions where repeat offending cannot be clearly identified from court records.

Advocates do understand that Section 106 discharges provide a real incentive for defendants to plead guilty, and to attend programmes to which they are referred and to fund themselves through the programmes.

If the guy is working towards a Section 106 they will plough ahead, and he will fund it himself because you can't get a 106 if you get sentenced to supervision to pay for the programme (K12, 163-164).

The grounds on which Section 106 discharges are granted usually include a real risk that conviction will result in unintended punitive consequences for the offender, usually the loss of their employment, and that the specific offence for which they have been charged is relatively 'minor'. This strategy centralises the aim of holding the offender accountable by indicating

lenient sentences in exchange for the defendant admitting responsibility for the offence. Advocates do have some concerns about whether the assessment of specific offences as 'minor' is appropriate in the context of their clients' history of victimisation in their relationship.

It's normally that the lawyers have been able to use issues, such as the work issue or whatever you know, so then the sentence would have, you know. It's like, it's been where the true circumstances or the reality of the situation has kind of been overpowered because he happens to have a job where he's going to lose it or you know it's that sort of situation (K13, 392-395).

Clients' histories of violence are not admissible as evidence to the court but may be taken into account in impact statements or memoranda presented by advocates. Even so, there are situations in which advocates are aware that their clients minimise the violence against them. Even in relation to the offence or offences for which their client's partner has been charged, advocates are sometimes aware that the victim's statements to police are not necessarily full accounts of the events.

The whole thing has been minimised from the beginning. So it's been like, she's done a statement with the police [and] because of how the police officer was and because of how she was at that time... like you know, with a lot of these women, if you say; "well umm, so this started last night did it, about nine o'clock?" They'll go; "oh yes". So then; "what happened?" and they get into it. So the woman only relates what happen from nine o'clock onwards. But when she comes into us we hear that it actually started at three o'clock in the afternoon, and that you know he had done this, that and the other, strangled her, you know. Whatever it might have been, there was a break and he started again, about nine o'clock - see what I mean... so what happens is their statement and everything is a minimal, umm, experience of what actually happened (K13, 398-409).

In some instances advocates were aware that their clients had not minimised the violent offence for which their partner was charged, and had co-operated fully with providing evidence for defended hearings, and yet their partner had been given a Section 106 sentence indication to coerce a guilty plea.

We had one case where it went to a defended, once she gave evidence he ended up rolling over and entering a guilty plea based on the fact that he would get a Section 106 if he did the programmes. The flip side to that is that she also has Family Court matters going on and part of what she wanted to show to the Family Court he had been doing this and that to her, and all this other type of harassment but now that's not going to be in the system because he got a Section 106 (K12, 88-93).

From the advocates' point of view, sentence indications of Section 106 discharges ought to be informed by the victims' views on whether the sentence would be an appropriate outcome given her circumstances and advising her of the implications of no court record of the offence being retained.

Section 106's, I think that sentence indication should definitely be canvassed with the victim. At least they would have their view put across about how they felt about that. This is what we are trying to pick up on now. If we have given, if we know there is a Section 106 indication we need to be talking to the client with how she feels about that (K12, 85-88).

Advocates were not concerned that clients would use the court's provision for consultation with them to unjustly disadvantage their partners. In their experience, many of their clients are sympathetic to their partners' experiences of being arrested and brought before the court; committed, albeit fearfully, to staying in their relationships and supporting their partner through the court process, many are also hopeful that the court referred intervention means that their partner changes his violent behaviour towards them long term.

When she hears about, oh he'd lose his job and he'd, you know, do all of that sort of thing, of course that sympathy stuff comes out in her so she's quite often buying into that whole, that whole thing....oh I mean at least 85% of these women go back with their partners, so if you look at [that], you know, for the bulk of these women they're wanting to continue the relationships, so they don't want their husband to lose their job or to whatever anyway, umm, and so by that time you know he's, you know he's, he's done his programmes, he's you know whatever, so she's actually feeling quite okay about it (K13, 430- 438).

One of the vital roles that advocates play in relation to the WFVC is maintaining records of Section 106 discharges without conviction that are handed down to their clients' partners. Since advocates have speaking rights within the court and they are also charged with the responsibility for safety assessments, they are able to alert judges to matters involving repeat offences even when there is no court record of a prior conviction.

I mean the fact that we have that on our system and it's really great if he appears in court again and the lawyer sort of, especially if it's like two years ago and here he is again and the lawyers saying but we would like 106, and it's really nice to stand up and say, "I'm sorry but he's already had one in July 2000" (K13, 461-464).

Section 106 discharges without conviction are a site of tension between two goals of the WFVC: coercing guilty pleas and protecting victims. Collaboration between the judges and the community victim advocates enables this tension to be negotiated from time to time, as necessary, and for advocates to contribute to mitigating the lack of court records of prior offences that result from these sentences. In relation to enhancing victim safety the most advantageous aspect of coercing guilty pleas is that fewer women need to take the risks associated with attending court proceedings for defended hearings. To ensure a balance in managing tensions between victim safety and offender accountability, those involved in the WFVC need to take account of the finding that most breaches of orders designed to protect women during and after court proceedings are not reported and those that are, often don't result in arrest. Specialised, independent safety assessments for women victims are vitally necessary to appropriate use of sentencing incentives and overcoming systemic delay should not be prioritised over victim safety for the purposes of quickly coercing a guilty plea.

9.2.6 Sub-theme: Same day sentencing

As with sentences that are seen to be inappropriate for the seriousness of intimate violence offences, the practice of same day sentencing is rare at the WFVC.

There's been a few occasions where judges have made decisions, you know, it's appeared to be a simple case and umm, for some reason the judge just decides to sentence them there and there (K13,531-532).

From the advocates' point of view, same day sentencing is inappropriate because it does not enable adequate time for advocates to engage with victims and complete safety assessments to present to the court. When victims have not had contact with advocates because their partner is sentenced immediately, advocates are not able to provide follow up services or ongoing safety assessments.

Just the fact that they haven't had any kind of contact or support or anything like that, those groups of women. I mean I suppose, I mean to a certain extent, the monitoring you're doing [in the research] is kind of asking the specific questions about how they found us and things. I mean if no, like I kind of think we do monitoring in a different way after they've been sentenced, because we are continually checking on how its going for them and you know what's working and what's not working and what's happening (K13,537-543).

The women participants in this study specifically mentioned the community victim advocates follow up services are valuable and important to them for enhancing their safety long term. If same day sentencing inhibits contact between advocates and victims then these services cannot be provided. Sentencing decisions that are too hasty cannot take account of safety assessments based on a reliable level of engagement of the victim with an independent advocate.

10. Addressing the aims of the Waitakere Family Violence Court

This study sought to identify victims' experiences of safety throughout WFVC processes to evaluate how well the WFVC protocols are meeting their aims from the point of view of a sample of women who have been involved with the WFVC intervention into intimate partner violence in their relationships. In the following sections we use the research questions that informed this project to assess the successes and challenges from the point of view of women victims and advocates. The meanings of harm, safety and protection are intimately connected with women participants' understandings of how the WFVC meets its aims. How harm, safety and protection were understood by women participants was not stable throughout the process of the WFVC's intervention, so our discussion begins by interpreting the meanings that participants brought to their experiences and identifying the way in which these meanings are interconnected with the women's understanding of the dynamics of intimate violence and the events that were involved in criminal justice intervention into their relationships. Following this we discuss how well the WFVC is meeting its aims related to overcoming systemic delay; those related to specialisation and the holistic approach of the WFVC; and those related to protecting victims and holding offenders accountable.

10.1 The meanings of harm for victims

How the participants understood the meaning of harm in the context of their relationship with their partner shifted throughout the process of his prosecution and beyond the immediate effects of his arrest, judicial monitoring and sentencing. The clearest evidence of these shifts in meaning is provided in the women's accounts of protecting their children. Initially, when their partner has most frequent, unimpeded access to them, the women were primarily concerned with physical safety. While they were aware that their own emotional safety was compromised, their priority lay with finding strategies to manage their partner's potentially lethal or systematically controlling physical violence. They had the opportunity to reflect on the effects of psycho-social abuse towards themselves and the psycho-social effects of their victimisation on their children when their partner's physical violence had resulted in his arrest, and when supported by CVS advocates, they held hope for the possibilities of legal interventions protecting them from physical harm. On closer analysis of their full accounts of their experience, it became clear that shifts in the meanings of harm were extensive throughout the women's accounts and not only in relation to their responsibilities for protecting their children. In the following discussion we consider how harm was variously linked with physical assault and the risk of assault; their partners' access to them and contact with them; emotional, psychological and social damage and the dynamics of violence within an ongoing intimate relationship.

At the time of their partner's arrest, then, the women understood harm as an immediate *physical danger*. With their priority on survival and not their emotional safety or the advantages of co-operating with legal processes intervening in their partner's violence against them, they were often reluctant or unable to call police or make decisions about legal interventions in the presence of their partner.

After their partner was arrested and when they were aware of the conditions of their partner's bail, harm was understood more often in terms of the consequences of unwanted, unwelcome *contact* with their partner. When their partners' disrespected orders intended for protection and

the women's legally sanctioned control of contact, their experiences of *blame and retaliation* widened the scope of harms that were critical in their experiences. While physical assault and the threat of physical assault remained a priority for many of the participants, harm that involved blame and threats of retaliation drew participants' attention to the ways in which their *emotional, psychological and social wellbeing* was damaged. One of the implications of the women's understandings of harm as involving any unwanted contact with their partner was that they expected their partners' breaches of protective orders would be acted on without the necessity for them to have to negotiate with police to have their right to non contact taken seriously. They had said 'no' to contact and counted on partner's breaches of bail conditions being swiftly dealt with to protect them. The support of the whole justice sector for the WFVC's principle of taking family violence seriously is critical in these circumstances, since the court is unable to act to protect victims when offenders are not brought to account for incidents of emotional and psychological harm.

In some situations the emotional turmoil of ongoing *physical and psychological abuse* meant that the women were unable to articulate what harm meant to them until they had established more everyday safety in their lives. Participants told us that they would not have been able to take part in interviews at the time that their partners were being prosecuted by the court because they would not have been able to put words to their experiences while they were managing everyday and immediate risks to their safety. The emotional harm resulting from the patterns of violence that had been perpetrated against them was so severe that they did not comprehend its scope or extent, and coming to terms with their experiences of victimisation was an ongoing process in their current lives.

Key informant advocates confirmed that the *emotional effects* of violence in intimate relationships seriously affects the ways in which their clients understand harm and the long term consequences of *emotional and social damage* to themselves, their children and their familial and social relationships as a result of their victimisation. From the advocates' point of view, victims' immediate concerns with physical harm at the time of their partner's arrest provided a justification for reliable safety assessments by independent advocates. Advocates had the opportunity of supporting the women through the process of coming to terms with the *scope and extent of harm* they were experiencing, and making assessments of safety that were based on understanding the way in which victimisation affects women's perceptions of harm.

When provided with opportunities to reflect on their experiences of victimisation, and supported through the ongoing process of living free from violence, women participants were later able to identify various harmful effects on their familial and social relationships. For example, they became aware of the harms associated with keeping *silent* about their partner's control, abuse and violence. They also realised that they had been focused on their physical safety and on protecting their families from stigma and burdens of responsibility for their victimisation, and had not taken account of *isolation or estrangement* from friends and family as a harmful effect of the dynamics of violence in their relationship at the time. They had also suffered emotional and social harms when others in the family or community acted on *stereotypes* of intimate violence that re-victimised her through blame, stigma and actions that supported her partner's violence. When others' responses to their partner's violence did not take account of the emotional complexity and dynamics of their intimate relationship participants were often isolated with little support for bearing the burden of responsibility for their victimisation aside from that offered by CVS advocates. The impact of social harms perpetrated by *myths* about the causes and seriousness of family violence became increasingly important to participants as they moved towards living free from violence.

The women reported they resisted the emotional harms of *separation and relocation* for as long as possible in the hope that these strategies would not be necessary to protect them from their partner's violence. While not all client participants had needed to relocate at the time of their interview, they had all accepted the *grief and loss* associated with separation as a harmful consequence of living through their partner's persistent violence against them.

In aiming to protect victims, consistently with the rights of defendants, the WFVC protocols in practice have access to the knowledge of the shifting meanings of harm for victims through collaboration with specialist CVS and through concentrating specialist services within the court. Those who are working most closely with victims and sharing information with the WFVC about the dangers that victims face, are able to provide reliable assessments of safety and risk because they have specialised understandings of the complex, interconnected effects of physical, psychological, emotional and social harms experienced through the dynamics of ongoing intimate violence. In the context of intimate violence, risks of harm exceed the parameters which commonly define violence as a singular act of physical assault.

10.2 The meanings of protection and safety for victims

As is the case with the meanings of harm the meanings of protection and safety for client participants in this study are multiple and shift throughout the process of their partner's arrest, prosecution and beyond.

Previous research has found that court processes which are linked to coordinated community responses improve safety outcomes for victims, and community based victim advocacy lies at the heart of collaborative responses (Holder, 2001). Evidence from this study suggests that potential for improving victims' protection and safety clearly depends on the ability of the community, including agents of the criminal justice system, to ensure that protective strategies are carried out. In this study responses to breaches of bail conditions were especially troubling with regard to victims' safety and protection.

Pro-arrest policies have attracted debate in the literature, not least because reviews suggest that rates of re-offending after arrest are relatively high (Dutton & Kropp, 2000). At the time that their partners were arrested the women in this study were primarily concerned with their physical safety. It was certainly the case that they reported various kinds of re-offences subsequent to their partner's arrest. However, when the threat to women's physical safety is immediate, arrest may still provide protection from serious physical injury at the time. In relation to physical assault, protection means an immediate stop to the violence they are experiencing and safety means escaping from any further physical injury.

When they were not in danger of immediate physical assault the women participants' meanings of protection and safety also included being free from the emotional harms of threat, coercion, intimidation and manipulation. In these circumstances client participants appreciated the protection provided by CVS advocates as their representatives in court. By mediating victims' relationships with the WFVC, advocates enabled their clients to be relieved of their responsibilities to attend court and enhance their safety from potential threats from their partner at the court. Advocates were aware that protection and safety at court were more difficult to achieve for their clients who were required to give evidence in defended hearings. However, it proved more difficult to protect these women from psychological and emotional violence, and even subsequent physical assault, in their homes and communities. The complex harms that victims face through ongoing intimate violence mean that they do not always disclose the full

extent of the violence against them, especially when they are managing the consequences of violence by their partner at the same time that they are experiencing social stigma and harm from the support that their partner receives within their familial and social relationships.

Women participants had anticipated legal protection from physical, psychological and emotional harm on the basis of their partner's bail conditions. In this situation protection meant that they would have effective, legally sanctioned control over their partner's access to them so that they would be able to *prevent* their partner from behaving violently by restricting access or asking him to leave when she felt at risk. At the time their partner was released on bail the women we spoke with were at risk of blame and retaliation for his arrest. Calling the police, again, to ensure that their rights to control contact were enforced put them at further risk: While their partner's initial arrest may have provided immediate protection from a particular act of violence, it did not protect them from ongoing harm, and ongoing protection requires effective interagency responses within the criminal justice system. Participants felt a burden of responsibility to protect themselves, their children and their families from their partner's retaliation when interagency responses failed. In this context protection meant being better supported by shared responsibility and swift, consistent interagency responses.

Women participants provided us with accounts of situations in which their neighbours took responsibility for calling the police or arranging other legal interventions, such as trespass orders when they were needed, to provide immediate protection from physical harm. Neighbours also provided practical assistance, such as accessible and safe use of a phone, a garage to hide a car, or a place to go for a few days respite from repeated breaches of bail. Neighbours who undertook often simple acts of decision making and assistance were understood to have provided protection by sharing the burden of responsibility that the women felt and creating safe options in immediately harmful circumstances. Notably, women participants also commented that neighbours who ignored signs of serious conflict and provided no support for them clearly took no share of the responsibility the women felt for protecting themselves and their families.

As well as neighbours, women participants also talked of friends and family members who did sometimes share the burden of protection by making decisions to call police or offering practical support in times of immediate need. They felt protected by friends and family members who provided practical and emotional support for them when it was needed. These people helped to create the conditions which enabled the women to escape immediate harm or execute safety plans for longer term solutions to the dangers they faced from their partners. When family members and friends supported their partner's violence against them, they added to the burden of responsibilities that the women felt themselves. In the context of repeat re-offending and breaches of non-association orders, protection sometimes meant practical support and understanding of the dynamics of violence that assisted the women in their attempts to resist further harm. However, women participants also told us of the ways in which their partner's violence and control had isolated them from close relationships with others. They gave accounts of long term effects of control, humiliation and silence that resulted in there being few others who knew the extent of the risks they faced in their everyday life with their partner. In these circumstances they did not always know people who were willing to call police on their behalf or to offer practical assistance when it was needed. When it is possible that a victim's experience of social isolation restricts her social relationships to the extent that she has no-one to call on for practical assistance when she feels at risk of harm, protection and safety may simply mean that there are others she knows who are willing to make the decisions about involving police and share the responsibility for legal interventions. In these

circumstances social relationships in which she is able to share the burden of responsibility for protection become a crucial dimension of her safety.

At Waitakere, the WAVES network that includes the WFVC also includes a diverse range of community service organisations that focus on supporting families and providing education within the district. Strengthening families and communities to share the burden of responsibility for protecting victims of intimate violence and raising awareness of the seriousness of family violence are aims of the Taskforce for Action on Family Violence (MSD, 2006). The collaboration between WAVES and the WFVC works to resource social change so that community attitudes and behaviours no longer support the perpetrators of violence in intimate relationships.

In analysing participant's accounts we sometimes found that the meaning of protection became most clear in contrast to incidents where measures intended to protect them failed to do so. For example, in a situation where a victim's partner is able to send threatening or blaming text messages from their cell phones immediately after arrest, protection may have meant paying attention to the small detail of removing his phone prior to leaving the scene of his arrest. When their partners were released on bail, protection may have meant that checks were made to ensure that he did not return immediately to his partner's home without her consent. In court proceedings, protection meant that CVS advocates represented these participants during hearings and because of the WFVC's success at coercing guilty pleas, the participants were not required to attend court at any stage. When victims are required to attend court for defended hearings, protection may mean that they are screened from their partner's view, escorted to and from court by the staff of appropriate security services, or able to leave the courthouse through a separate and less public exit. Throughout the process of legal intervention into their partner's violence against them, women participants in this study provided examples of apparently small details that could substantially improve their sense of protection and safety before, during and after court proceedings.

When women participants spoke about their experiences of harm, protection and safety their stories of particular events and relationships involved interconnections between justice sector responses, their own responses, and those of neighbours, friends and families. Harm, protection and safety were understood within the context of complex social relationships and shifted in relation to specific events where women participants' immediate and long term risks and needs varied according to circumstances. As we turn to discussing the aims of the WFVC, and participants' perspectives on how well the WFVC protocols are meeting these aims, we remain aware that participants' understandings of the court proceedings and their experiences of criminal justice interventions were informed by the ways in which harm, protection and safety became meaningful to them within the specific circumstances of intimate violence in their families.

10.3 Overcoming delay and minimising damage

To overcome systemic delays in court process and to minimise damage to families by delay

Overcoming systemic delays in criminal justice proceedings is a goal of many *fast track* modifications of court processes to address family violence, including the WFVC. The focus on delay is based on the understanding that procedural delays provide offenders with increased opportunities to assault, coerce, manipulate, threaten or intimidate victims before they are convicted and sentenced by the court. The accounts provided to us by advocates made it clear that the issues related to systemic delay were different in the case of guilty and not guilty pleas before the court. In the case of not guilty pleas, where defended hearings are possible outcomes of the prosecution process, time delays may provide the offender with opportunities to re-establish control over their victims for the purpose of coercing retractions and avoiding conviction. Advocates spoke to us of clients whose partners had 'worked the system' of defended hearings to provide the most opportunity to re-exert control over their client. The court system was used by these offenders to deliberately prolong the case so that they could engage in accessing and successfully coercing or threatening their partner into withdrawing evidence so that they can avoid conviction. They had experience of working with clients whose partners chose to plead not guilty specifically because of the increased chance that charges would be withdrawn or the case dismissed. Sometimes, though, even these delays did not result in negative consequences for victims. There were cases they could recall where charges were withdrawn or dismissed because the victims had separated from their partner, relocated so that they could live more safely from day to day, and they did not want to revisit their victimisation by testifying in court.

The particular risks associated with defended hearing delays were not relevant to women victim participants in this study because their partners had entered guilty pleas so as to take advantage of sentencing leniency. In this sense the WFVC strategy of coercing guilty pleas meant that all participants were protected from the potential harms of defended hearings.

The judicial monitoring process that is often practiced in the WFVC when defendants plead guilty means that same day sentencing does not usually happen at the court. Judicial monitoring can result in several re-appearances by the offender before sentences are passed. Previous research suggests that some of those working within the WFVC were concerned that judicial monitoring delayed the disposal of family violence cases (Morgan et al., 2007). However, the participants in this study did not provide any evidence that their safety was affected by the delay between arrest and sentencing that was a consequence of judicial monitoring. For these women it was not delay in the disposal of the matter in court that was crucial, but the ineffectiveness of non-association bail conditions that failed to protect them from unwelcome and unwanted contact from their partners: their partners did engage in attempts to coerce and manipulate them, and they also threatened and intimidated them despite pleading guilty to offences before the court.

One participant did connect delays in court proceedings with her partner's repeat re-offending because each time he was arrested the proceedings were set back to take account of the new offences before the court. In her experience delay was not a consequence of systemic problems in court proceedings but a direct result of her partner's lack of responsibility for

stopping his violence against her. Although such delays were not experienced as systemic, they are indicative of the WFVC's difficulties in holding men accountable through procedures that attempt to enhance victim safety. Delays caused by re-offending are clearly connected to damaging families and need to be taken into account when addressing the complexities of damaging delays in criminal justice interventions. Based on these women participants' experiences, effectively policing and prosecuting re-offending is necessary to protect victims and would result in increasing volume within the WFVC. Increased volume and the length of delay from violent incident to disposal at WFVC have been shown to be positively related (Coombes et al., 2007). Providing resources to manage delay when volume is expected to increase is critically important to the court's ability to meet its aim of minimising damage to families by delay.

Advocate key informants provided us with additional information on the ways in which the goal of overcoming delay can encourage inappropriate hastiness that is not in the best interests of victim safety. Same day sentencing provides an example of a situation in which reliable information about victim safety cannot be taken into account in holding the offender accountable for violence he has admitted to the court. When disposal times are valued more highly than victim safety, then overcoming delay fails to address the aims of holding the offender accountable and protecting his victim: the Judiciary need to have reliable information on the extent of the risk he poses to his victim to take appropriate action in response to the specific needs of the victim and her family and the damage caused to families by delay needs to be understood in this context. For this information they rely on the specialist knowledge and services offered to the WFVC through its collaborative relationship with Community Victim Services and the effectiveness of information flow between all agencies involved in the WFVC's response to intimate violence.

10.4 A holistic approach and specialisation

To concentrate specialist services within the court process and promote a holistic approach in the court response to family violence.

In the case of intimate partner violence it is widely recognised that the relationship involves a pattern of economic, psychological and physical control over the victim by the perpetrator, in which acts of physical violence are embedded (Dutton & Goodman, 2005; Herman, 2005; Lewis, Dobash, Dobash & Cavanagh, 2001; Pence & Paymar, 1990). All of the women victim participants in this study reported an ongoing history of physical, emotional and social abuse in their relationships with their partner. The events that led to them becoming involved in the processes of the WFVC were not necessarily unusual. They were not 'one-off' events that were 'out of character' for their partner. The women's accounts of events that brought them to the WFVC emphasised the holistic context of their partner's violence against them. The history of violence that participants disclosed involved ongoing patterns of violence such as those that define family violence in the Domestic Violence Act (1995). Taking these patterns into account, and valuing specialist knowledge of family violence dynamics, were the foundations of the WFVC's evolution.

In the history of violence that participants reported, the women had experienced multiple physical assaults. Even so, for some this was the first incident that had been reported to police, and they were not always the person who made the call. Participants recognised a variety of dangers associated with calling the police, including shame and fear of retaliation. Calling the police was often a last resort and participants frequently did not take the risk of

doing so themselves. They had been committed to their relationships, felt responsible for managing their partners' violence and had experienced physical, psychological and social violence as tactics of their partner's control over them. Some participants also disclosed their experiences of sexual abuse within the relationship although they did not want to discuss those abuses further. Specialist victim services are able to take account of the effects of violence on their clients' disclosure and reliably assess their safety for the information of the court.

The events that led to their partner's arrest invariably involved aspects of psychological and social violence as well as physical assault. For some participants physical assault was not necessarily frequent in their relationship. No matter how frequent though, physical assault did take place in a context where other forms of abuse and control were ongoing. Some women explained that their partners' violence was associated with other psychological or social issues including mental health problems and misuse of drugs, or weapons. Each of their partners was arrested for offences that could be directly related to discrete events involving physical evidence: none were arrested for the psychological or social violence they perpetrated on an everyday basis. For those women whose partners had previously been arrested, calling the police was not necessarily regarded as a safe strategy for intervention, although it was a necessity to stop an assault in progress. These participants were aware that arrest may result in escalating intimidation, coercion, threats and even further assault. Concentrating specialist services within the WFVC allows the effects of ongoing violence, including psychological and social violence, to be taken into account in assessing the victim's safety.

To avoid blame for arrests, and in response to fear of their partner's retaliation, some participants relied on family, friends and neighbours to call police. In many cases though, the ongoing effects of violence, including silence, shame and their partner's control, resulted in the women having little support from family members or friends. This finding resonates with aspects of Bennett et al's (1999) discussion of systematic obstacles affecting criminal justice prosecutions of partner violence offences. Sometimes friends and family actively supported the women's partners by blaming her for his violence. In such circumstances women who have access to the WFVC's specialised victim advocates are able to engage with follow up services to plan for their safety.

Against backgrounds of historical violence, including some previous arrests for intimate violence offences, it would be reasonable to expect that some participants were protected persons under the Domestic Violence Act (1995). However this was not the case at the time their partner was arrested for the offence that brought the women into contact with the WFVC and resulted in their partners receiving a sentence to "come up if called upon" for re-offending. None of the arrests that brought the participants into first contact with the WFVC involved breaches of legal orders. Some women did apply for Protection and Trespass Orders later in the process. The WFVC's aim of taking a holistic approach in responding to family violence may be better served by ensuring that all victims involved with cases before the WFVC are granted appropriate Protection Orders alongside the imposition of non-association bail conditions.

Advocate key informants affirmed the women's experiences of intimate violence as a pattern of ongoing psychological and social abuses, control strategies and physical assaults perpetrated by their partners. From their point of view, victim safety depended on all those involved in responding to women's victimisation understanding the seriousness and the dynamics of the pattern of violence against them. The specialist knowledge that the WFVC protocol aims to concentrate in court is also informing the member organisations of WAVES in their work of

strengthening families to respond to family violence. In relation to criminal justice responses, advocates expressed concern that when the legal system prioritised prosecution of individual matters, it did not enable information about the pattern of offending against the victim to be shared with the court as evidence of her need for protection and the real danger of physical assault that she faced. The intention of coercing guilty pleas is a strategy that enables information about the victims' safety to be shared with the court through memoranda and Victim Impact Statements by CVS presented at bail hearings.

The WFVC's collaboration with community agencies requires an effective information flow that balances victims' rights to privacy and confidentiality, their rights to legal protection and the rights of defendants in the criminal justice system. The most rapid and appropriate actions by those criminal justice and community agencies aiming to provide a holistic approach and an integrated response to intimate violence depend on effective information flow. The protocols of the WFVC provide clear guidelines to ensure that reliable information is passed as efficiently as possible among all parties involved in the WFVC's responses. However, the court itself is but one component of a multidisciplinary co-ordinated response that operates within a criminal justice system at the same time as collaborating with the community. Given the crucial importance of specialist understandings of the situations where offences that *can* proceed to prosecution are embedded in an ongoing pattern of violence against a particular victim, specialist training and specialised roles within the criminal justice system need to be consistent with specialisation in the community to maximise the potential effectiveness of co-ordinated responses.

Advocate key informants were aware that specialisation of prosecutors and judges was supported by international literature on victim safety. The WFVC's aim to concentrate specialist services in the court is achieved most consistently through collaborating with community based specialist service providers for victims and offenders and the specialisation of prosecutors, judges and other court staff was a matter of individual choice and commitment by the people involved (Morgan et al., 2007).

Promoting a holistic approach that responds to intimate violence in context involves understanding the issues of family violence as more broad than criminal justice issues. This understanding is served by the WFVC's provision of community based offender treatment services and intervention programmes. Engaging these services in the WFVC is intended to coerce change and is discussed further in Section 10.6.5 below. The strategy of concentrating specialised knowledge and competencies in family violence intervention within the court is pivotal to achieving a holistic approach.

10.5 Victim safety and offender accountability

To protect the victims of family violence consistent with the rights of defendants and to hold offenders accountable for their actions

Because of the holistic context in which women participants understood their experiences of harm, protection and safety, direct consequences for their safety as a result of being involved with the WFVC were entangled with consequences that were the result of police responses or community, social and family responses to their victimisation.

Over the course of their relationships women participants had made repeated efforts to manage their partner's violence against them. Their partner's arrest and prosecution in the

WFVC was one strategy available to them for intervention to stop the violence, and often a last resort in situations of immediate danger from physical assault. By the time they took part in interviews for this study their everyday lives were considerably safer than at the time of his arrest or immediately afterwards. For some, however, the threat and fear of violence remained acute and the emotional aftermath of living within the violent control of their partner continued to affect their wellbeing, and the wellbeing of their children.

For some women, years of managing their partner's violence had involved maintaining silence about assaults and continued vulnerability to emotional harm. They had repeatedly been subjected to blame, humiliation and retaliation when violence had been disclosed to or witnessed by others. In such circumstances emotional safety was enhanced by access to CVS advocates who understood the dynamics of intimate violence and whose practice was governed by Pākehā principles of respect for privacy and confidentiality. They also took the opportunity enabled through the research interview to advise that other women seek the assistance of CVS advocates to support them in making changes to enhance their safety. While they recognised the difficulties and dangers involved in disclosure they also believed that honesty about abuse and violence and seeking help from those who understand are critically important to creating the conditions necessary to live more safely. This advice and the women's accounts of their experiences suggest that victims carry considerable responsibility for their own protection and safety. CVS advocates are involved in sharing this responsibility throughout the court proceedings and beyond. Offenders' accountability for victim protection and safety is discussed in sections 10.6.5 and 10.6.6 below.

10.5.1 Community Victim Services advocates

The heart of the WFVC strategies for protecting victims is the involvement of CVS advocates in the court. From their long experience of victimisation and often failed attempts to prevent their partner's violence or resist his control and psychological and emotional abuse, the women understood the helpfulness and appropriateness of CVS as multi-dimensional. CVS advocates gave them the opportunity to voice their safety concerns to the court, and they valued the opportunity even if they felt too afraid of retaliation to admit that their safety was compromised. They also appreciated the care that advocates took in providing information to them from the court and to the court from them. From the women's points of view, advocates provided critically important information flow between themselves and the court to enable safety planning. Advocates explanations of the court procedures and processes, as well as explanations of the likely emotional responses that the women would experience as a consequence of their partner's arrest were also valued by client participants. By anticipating the potential risks of emotionally tumultuous responses to a criminal justice intervention into their intimate relationships advocates were able to support their clients to stay emotionally safer throughout the process.

The WFVC's tradition of granting speaking rights to Community Victim Services advocates was one of the earliest innovations of modified court process intended to prioritise victim safety throughout the court processes. The tradition recognises the rights of the victim to be involved in the court process, and it also respects the victim's right to protection and safety by ensuring that there is someone mediating the relationship between the court and the victim. CVS advocates involved with the WFVC take up responsibility for providing information and services that meet the protocol aim for protecting victims consistent with the rights of defendants.

Because of the collaboration between the WFVC and Community Victim Services, women participants in this study did not need to be involved in attending court proceedings to present

their views. Advocates represented their views to the court and because their partners pleaded guilty to the offences they were not required to give evidence. Women participants only needed to witness court proceedings if they chose. Despite there being some disappointments associated with information flow involving advocates, all of the women valued the support advocates offered, and stayed involved with advocacy services at least while they took up the responsibilities of representing them within the WFVC.

It was crucially important to the women participants that advocates relieved them of the burden of responsibility associated with being involved with court proceedings themselves. The women reported being afraid to attend court because it provided their partners with opportunities to threaten, coerce, manipulate or intimidate them. They appreciated being represented by advocates in court proceedings and when police and prosecutors would not allow them to withdraw or change statements in the presence of other sufficient evidence of an offence. In both cases client participants were relieved of some of the burden of responsibility they carried as victims and were also relieved of their fear of retaliation because they were not directly required to speak to the court against their partners. These strategies represent effective ways of protecting victims from some of the emotional harms to which they are vulnerable after their partner's arrest. The women's accounts also provided support for Cook et al's., (2004) contention that fear of retaliation and holding victims responsible for their partner's violence reduce levels of service to victims of intimate violence and place them at risk of increased harm.

Advocate key informants also provided support for the women's accounts of their fear of court proceedings because they had witnessed defended hearings where clients were at risk. The WFVC's strategy of coercing guilty pleas is therefore justified as protecting victims at least from the harm they may experience if their partner has access to them at the courthouse before, during and after defended hearing proceedings.

When women are more heavily involved in court proceedings because of the requirements of defended hearings then additional safety measures need to be put into place. In some courts overseas separate facilities and security arrangements are provided for victims giving evidence before the court (Fritzler & Simon, 2000). Advocate key informants advised that there had been no additional resources provided to the WFVC for specialised facilities to protect victims of intimate violence at the courthouse. Although they were able to make use of a victim facility set up for general use and they were able to negotiate with judges when special security measures were urgently needed, they were still concerned that the level of security at the court was inadequate to protect their clients. They were hopeful that the newly introduced changes to the Evidence Act (2006) would allow their clients to testify behind a screen so that they were not visible to their partner however this facility is not yet available. This strategy does not necessarily provide safety from retaliation. The women participants, who would have liked to attend court proceedings if it had been safe to do so, mentioned that screens that protected them from seeing their partner or being seen by him might have been useful.

Bennett et al., (1999) suggest that practical support and resources for improving victim safety during court proceedings may be related to whether or not victims are prepared to engage with court processes when it is necessary for prosecutions to proceed. Evidence from this study suggests that the fears victims face in relation to attending WFVC and testifying when necessary are real and substantial fears for their immediate safety and wellbeing. Practical safety measures such as security services for escorting victims to and from court; screens to protect them from seeing and being seen by their partner; entrances and exits that protect them

from potential and real threats from their partner's family and associates are all important resources for victim safety at court. When these measures cannot be provided and victims' physical and emotional wellbeing is at severe risk during court proceedings, then it may be necessary to introduce formal recognition of retractions or withdrawals of evidential statements that are supported by advocates' independent assessments of client safety. Records of supported retractions could be held by agencies involved in the integrated response of the community and the justice sector so that ongoing co-ordinated responses can take account of the seriousness of the danger posed to some victims. Such records would provide enhanced information within the network of organisations involved in the WFVC to maximise the potential of co-ordinated responses to meet victim needs for safety.

It was also important to the women participants in this study that advocates understood their situations and cared enough to follow up after the court proceedings to find out if they could be of any further service. Participants placing value on follow up services supports Goodman and Epstein's (2005) findings that advocacy and ongoing social support are highly valued by women victims, and enhance women's safety. CVS share the burden of victim protection and are also able to access other community services to provide her with support towards living more safely.

Women with children who participated in this study told us of the ways in which their concern for their children's wellbeing was often a turning point in how they managed their partner's violence. Initially, and while they were still at risk of physical assault themselves, they were primarily concerned with ensuring that their children were not also victims of physical assault. As their partner became further involved in court proceedings the women became increasingly aware of the psychological harm their children were experiencing by witnessing violence against their mother. In some cases protection of children was a key determinant of their clients' decisions to separate and/or relocate despite the disruptions to their children's social and educational stability that is involved. Advocates provided examples of the ways in which some clients were so physically threatened by their partner's violence, that the women were only safe enough to realise the impact on their children's psycho-social wellbeing when their partners were imprisoned. From the point of view the women participants' advocacy support for their parenting and the protection of their children, as well as follow up services that support them towards emotional, social, spiritual and physical wellbeing provide safe ongoing community relationships.

It is noteworthy that although the women did not refer to the cultural appropriateness of advocacy services, advocate key informants were concerned that immigrant women were particularly poorly served by current provisions for victims at WFVC. While the advocates drew on and valued the Ethnic Social Services relationships that enabled them to engage translators and support workers with some of their clients, they saw that community services for immigrants needed resourcing and strengthening. They felt that there are serious limitations to the services they can provide, especially with regards to spiritual and social safety, when they are unfamiliar with the cultural implications of their client's specific situation. Expanding and supporting the services available for victims within their communities assists with meeting culturally specific needs for victim protection.

It is evident from the women's accounts of their experience that they felt the burden of responsibility for their own and their family's protection from the violence their partner perpetrated and the stigma of their own victimisation. They report experiencing emotional turmoil and complex psycho-social effects of victimisation and control perpetrated by their

partner at the time of his arrest. Nonetheless, they take responsibility for protecting their families by providing them with a home and social stability. They felt that others expected them to give up their homes and their family stability to protect their children. They were afraid that they would lose their children if they made certain kinds of disclosures to police or advocates. They wanted to protect their wider families from the shame of their victimisation and the burden of supporting them. In short, they carried the social responsibility for stopping their partner's violence, for which they were also often blamed by the perpetrator, their families and friends. The accounts provided by these participants support the urgent need for ongoing actions to change social attitudes and behaviours that support violent offending as advocated by the Taskforce for Action on Family Violence (MSD, 2006).

The women in this study understood the appropriateness and helpfulness of victim services provided through the WFVC in a social context where the most common advice they are given for protecting themselves and their families is to separate from their partners and relocate if necessary, again taking the burden of responsibility for their safety. Separation and relocation are particularly difficult safety strategies for mothers to take because it means disrupting their children's social and educational stability as well as their relationships with other family members. This disruption is in addition to facing the emotional costs of losing her partner and the pragmatic difficulties of needing to parent her children without his day to day support.

Advocates view separation and relocation as potentially necessary for safety plans and understand that there are significant costs to the women's emotional and social wellbeing as well as their spiritual and physical safety. There are also likely health costs and financial disadvantages associated with separation and relocation. It was evident from the women's accounts that they had once believed they were to blame for their victimisation, and they carried a burden of responsibility to leave the relationship when all other strategies for preventing violence failed. At the time of the interviews, however, the women no longer felt responsible for their own victimisation. Over a period of time, usually involving at least two years, the scope and limits of their responsibilities for protecting themselves and their families had become increasingly clear to them. The women did not always feel that bearing the burden of responsibility for stopping the violence themselves was just, but they did understand that the WFVC, though providing them with CVS support, was attempting to protect them and that the burden of responsibility for stopping the violence against them belonged to their (ex)partner.

10.5.2 Protection and policing

The processes that specifically involved the victim participants with the criminal justice system were the arrest itself and their contact with the court through community victim advocates which enabled them to provide statements about the impact of the offence on their lives and their experiences of safety over the time that the court was dealing with their partner's prosecution. From the time of their partner's arrest, police and CVS were involved with responsibilities for protecting women participants in this study.

Under Aotearoa's police Family Violence Policy (Police Commissioner, 1996), perpetrators are arrested when police have evidence sufficient to pursue prosecution so that the criminal justice system prosecution is not dependent on victim complaints. When this is effective, victims are relieved of the responsibility to decide whether or not their partner is arrested. Participants reported events where police taking responsibility for the arrest relieved the women and they were able resist their partner blaming them for it. In relation to the women's experience of emotional abuse, this served to make them safer from fear of retaliation, though it did not

necessarily mean that their resistance to their partners' blame successfully avoided further emotional or physical harm.

Inconsistent police responses, and situations where participants felt discouraged from calling the police, left them feeling unsupported and burdened with responsibility for their own safety. Participants' reported experiencing increased emotional distress when their attempts to seek protection from the criminal justice sector prove ineffective in the context of their partner's attempts to reassert control through threats, intimidation, blame and coercion. Their experiences of being required to make decisions about whether or not their partner is warned, arrested or removed took place within histories of keeping silent for safety's sake, surrendering to coercion, living with threatened and repeated assaults as well as social and cultural expectations that they will take responsibility for stopping their partners violence. Sometimes their immediate physical safety depended on not being responsible for reporting their partner's violence to anyone.

Participants often felt safer when others made decisions related to the legal intervention into their partner's violence: when police refused to allow them to change their statements under the coercive influence of their partners or when others called the police because it was unsafe for them to do so. Taken into account with participants' improved safety when CVS advocates to represent them in court, this finding supports claims by Dobash and Dobash (2000) and Römken (2006) that mandatory arrest and no drop prosecution are more likely to achieve the goal of enhancing victim safety if they are embedded in co-ordinated responses within community agencies.

10.5.3 Protection and legal orders

The WFVC protocols take account of the dangers posed to victims when their partners are arrested by imposing standard bail conditions that include non-association orders. Court procedures for bail hearings involve judges receiving memoranda from Community Victim Services advocates who have discussed the woman's circumstances with her, explained the court process and her rights and choices, and made an assessment of her safety.

Despite the measures that are taken by the WFVC to protect the women from psychological abuse or assault by imposing non-association orders, participants consistently reported psychological abuse such as threatening, intimidating and blaming behaviour after their partner had been released on bail. Their partners did not respect non-association bail conditions and this had serious consequences in relation to holding them accountable. Some women had not given consent for contact at any point. Some had not objected to contact or had asked for non-association conditions to be varied because of their affection for their partner, shared cultural expectations, and fears of retaliation if they chose to alert the police to the breach. Participants also reported occasions on which they did call the police because of non-association breaches. They were disappointed when no arrest resulted or if the charges laid by police did not include breaching bail conditions. In these circumstances the women had heard explanations of the orders granted by the court from a community victim advocate and they were expecting the orders to provide them with protection. This was not the case for these women, and in this sense the legal intervention of the criminal justice system was unable to protect women from further harm.

The critical importance of a co-ordinated response within the criminal justice sector and the community is evidenced by women victims' experiences of the failure of bail conditions to protect them from unwanted and unwelcome contact from their partner. The bail conditions set

by the court for the victim's protection, as either standard conditions or on the basis of an individual assessment of her safety and her views on her partner's bail, will not effectively protect her from harm if the perpetrator has no respect for the orders and/or their breaches cannot be effectively policed. Interagency co-ordination that is resourced to effectively monitor and police bail conditions is essential to improving victim safety after their partner's arrest. This finding supports Mears and Visher's (2005) suggestion that effective judicial monitoring within specialist domestic violence courts is dependent on inter-agency information systems and communication that enables offenders to be monitored more closely.

While bail conditions did not necessarily protect women participants from unwanted contact with their partner, or his re-offending against them, they did offer legal sanction for the women's right to control contact. Initially this sanction gave the women confidence to call police when their partners breached the conditions. It was only after failed attempts to have their partner's bail breaches taken seriously that the women realised they could not rely on these sanctions to enhance their everyday safety. Subsequent to their initial involvement with the WFVC some participants took out additional orders for legal protection, including Protection and Trespass Orders. They advised other women to make use of legal orders consistently: to say "no" to their partner's violence and repeatedly call the police to intervene even if they felt that they were being a 'nuisance'. Despite ongoing threats and emotional abuse, they believed that involvement with justice sector interventions could still be effective in achieving changes in safety especially in the long term.

10.5.4 Safety and sentencing

All the partners of women victim participants had been convicted of offences and sentenced to "come up if called upon" for re-sentencing if they re-offend. None of the women made reference to using their partner's sentence as a strategy for enhancing their safety. Despite re-offending that did sometimes result in arrest, the agencies involved did not co-ordinate well enough to ensure that the re-offence resulted in re-sentencing to hold the offender accountable for ongoing violence. The benefit of their partner's sentence in relation to their safety was limited to his conviction as emotionally supportive of their attempts to protect their children. It provided them with an assurance that they would not lose custody of their children and enhanced their safety by relieving them of fears associated with losing custody.

Key informant advocates provided us with additional information on safety issues associated with other sentences involving convictions in the WFVC. Prison sentences were regarded as inappropriate in most cases of intimate violence except in response to the most severe incidents or repeated re-offences. From advocates' points of view, prison sentences often supported the women to re-engage in their relationship with their partner through the contact that is established for visits. While longer prison sentences sometimes provide advocates' clients with opportunities to live free of physical assault for long enough to realise the benefits of being separated from their partners, shorter sentences were more likely to result in re-engagement and compliance with his control in anticipation of his release. Shorter sentences also meant that offenders had less opportunity to reflect on their behaviour or engage with change opportunities available through Corrections Services.

Advocate key informants did not believe that home detention was an appropriate alternative to prison for intimate violence offences for the obvious reason that it exposes victims to greater risk of harm if they are co-habiting with their partner. Community work sentences were also not appropriate because of their potential to burden the women with additional responsibilities, such as sole childcare or managing weekend work commitments, so that the offender could

complete the sentence. Fines were also regarded as inappropriate and carry the implication that the offence is “lower level” in terms of seriousness, as well as bring about economic hardship within the family. Imprisonment, community work and fines are relatively rarely used as sentences at the WFVC and the advocates appreciate the judges’ understanding of how these sentences may affect victims’ safety or undermine the message that the WFVC takes family violence offences seriously.

Advocates did express concern at the use of Section 106 discharges without conviction because these sentences do not result in any recorded conviction against the offender which could be relevant to other court matters or subsequent cases involving re-offences. They understood that sometimes these sentences were appropriate in view of the consequences of conviction for the family as a whole in cases where the offender might lose his job if convicted and that they provided a clear incentive for defendants to plead guilty. However, they risked sending a message that the offence was relatively insignificant and that the court did not take it seriously enough to keep it on record, as well as minimising the ongoing pattern of violence against the victim. Advocates support the ongoing opportunities to collaborate with judges to enable the tension between coercing guilty pleas and enhancing victim safety to be negotiated in the case of Section 106 discharges without conviction

10.5.5 Accountability and respect

Historically intimate violence offences have been trivialised in criminal justice interventions, and holding offenders accountable requires sending the message that such offences are treated seriously. Judges at the WFVC avoid sentences that carry the implication that offences of intimate violence are trivial matters, none-the-less the ability of the court to ensure that this message is received by offenders relies on offenders’ respect for the criminal justice system.

For women participants in this study their partner’s lack of respect for the court was a substantial influence on their understanding of how he was held accountable and what it meant for him to be accountable to the court for his violence. The efficacy of bail conditions and offender change interventions were both seriously affected by their partner’s lack of respect for court orders and lack of commitment to changing their violent behaviour.

In the experience of these women, their partners were not held accountable for breaching bail conditions. The women sought a form of accountability that would enable their partner to be removed when he repeatedly breached bail to relieve them of the responsibility for managing his continuing controlling, abusive and violent behaviour. Women participants suggested that more effective means of holding their partners accountable for their violence would involve closer monitoring of those men who were known to offend. From their point of view their partner’s were not held accountable when ongoing breaches of bail conditions did not result in criminal justice intervention. By implication, this suggestion means that holding offenders accountable requires stricter policing and prosecution of bail breaches to effectively meet the aim.

For some participating women, their partner’s lack of respect for legal intervention meant that the conviction recorded by the WFVC had little effect in convincing them of the seriousness of their offences and the need for them to change their violent behaviour. None-the-less women participants did not suggest harsher sentences, especially if harsher sentencing involved prison. Although they did want the criminal justice system to keep their partner away from them so that they could live free of his violence and fear of his violence, they did not suggest that imprisonment was an appropriate way to hold men accountable for intimate violence.

When women participants reported that their partner was respectful of court orders and his conviction was a meaningful message that his violence was unacceptable then recourse to subsequent legal interventions did result in improving their everyday safety more readily.

10.5.6 Community based offender treatments and programmes

The services provided for offenders at the WFVC are similar to those provided by other specialist domestic violence courts that refer offenders to community based interventions designed to address underlying problems such as inappropriate management of anger, alcohol and other drug problems, mental health or relationship issues. At the WFVC offender progress through referred interventions is monitored by the Judiciary prior to sentencing. Sentencing leniency is used to coerce offender engagement in programmes and judicial monitoring is intended to convey the seriousness of the offence by engaging the judge's symbolic authority to oversee the offender's attempts to address his violence as a problem in the relationship. In this study, women participants whose partners had been through this process of judicial monitoring reported that their partners were not enthusiastic about the opportunities the WFVC offered them for change. In the women's experience, their partners accept the coercion to plead guilty for sentencing leniency without any intent to change and the changes they made rarely improved the women's safety: Participants reported no change in their partner's controlling behaviour, psychological abuse or repeated challenges to the women's legally sanctioned right to refuse contact. In some cases physical assault ceased and in other cases it took a different form designed to leave no evidential injuries. In some cases the women's partners discontinued breaching non-association orders or protection orders after some time. Usually they resumed contact when it suited them and although there were gaps between repeat breaches or re-offences, none of the women reported that the pattern of violence in their relationship was permanently changed until they separated from their partner and consistently used legal forms of protection, or relocated. From this point of view although the interventions to which the WFVC referred offenders did not hold offenders accountable for their violence, the women participants recognised that this lack of change was their partner's responsibility because he lacked the motivation for genuinely engaging with changes that would enhance her safety.

There were instances where women participants noticed that their partners had learnt strategies to avoid conflict or had become more supportive of her in parenting their children subsequent to their separation, although these were rare. As a result of these experiences, and their own previous attempts to change their partner's behaviour, they advised other women to recognise that they cannot change their partner, and that perpetrators are responsible for making these changes themselves. They maintained hope in the possibility of change interventions by referring to others' experiences or to the potential for change that the interventions offer if offenders engage with them with genuine motivation for change. To ensure that women's hopes are founded on expectations for change that can be realised by community based offender treatments and intervention programmes, evaluations are needed so that effective motivational strategies can be developed to maximise the potential for coercing change.

From the advocate key informants' point of view, change programmes are most likely to improve women's safety when both offenders and the women are consulted and supported throughout the change process. When the women are not consulted about their partner's involvement and engagement in referred services, they are less likely to have necessary opportunities to prioritise their own safety. Advocates were particularly concerned about sentencing to change programmes under the supervision of Community Probation Service

because offenders who did not want to engage with the programme could often avoid doing so by creating delays that meant their probation period was over before they finished the programme. Monitoring the engagement of offenders with mandated treatments and interventions would provide the WFVC with vital information on the efficacy of sentencing to change programmes. Advocates also noticed that even when offenders complied with requirements to attend treatment or programmes, their partners were less likely to engage with victim services. Evaluations of offender change programmes should include consideration of how victims are supported throughout the process. When offenders were referred rather than sentenced to programmes, advocates were concerned about the financial strain of self-funding on some women and their families, as well as the blame that offenders sometimes attribute to their partner because they are referred to an intervention. One solution to the dilemma created by the cost of programmes would be to build a closer relationship between the Family Court and the Family Violence Court at Waitakere so Protection Orders can be issued and the financial cost of programmes carried by the provisions of the Domestic Violence Act (1995). This would have the additional benefit of providing victims with orders that extend well beyond the disposal of the case in the court. Advocates warned that when their clients' partners persistently resisted change interventions their hopes that their partner would stop his violence against her remained unfulfilled, and sentencing the offender did not resolve risk to the women's safety or restore her faith in the possibility that the criminal justice system can protect her. In this sense, when offenders were not held accountable for changing their violent behaviour, victim's confidence in the criminal justice system was undermined.

Women's experiences of their partner's lack of engagement with interventions, or commitment to change, suggests that evaluations of the interventions provided by the WFVC is warranted. At the same time, it would be useful to review the function served by judicial monitoring. Since the court cannot coerce an offenders intent to change, the use of sentencing leniency to coerce engagement in programmes needs to take account of the offender's ongoing risk to his partner's safety and the safety of her family. If re-offending and bail breaches can be better monitored by all those engaged in a co-ordinated response, including CVS, police and offender service providers, then judges may have greater opportunity to lend their symbolic authority to the seriousness of the offender's ongoing pattern of violence throughout the phase of judicial monitoring (Mears & Visher, 2005). Since they rely on information provided by all those involved in the inter-agency collaboration of the court the strategies needed to overcome the challenges of holding offenders accountable for their violence need to be developed more fully in consultation with the community and justice sector agencies involved with the WFVC.

11. Improving victim safety from the point of view of victims themselves

Since the women participating in this study experienced violence and legal interventions into their intimate relationships within the context of complex social relationships, they did not necessarily distinguish between different sectors of the criminal justice system when they made suggestions about how their safety could be improved. However, since the WFVC is unique in its collaboration with community service providers for victims and offenders their comments in relation to these two areas of intervention were specific to this court.

With regard to the services provided to enhance safety for women, participants suggested a closer relationship between the District Court and the Family Court so that matters of child custody and property settlement were not dealt with in isolation from matters of criminal offending, and ongoing systematic abuse. A closer relationship between the two courts might also facilitate more effective implementation of Protection Orders for victims. Advocate key informants suggested that this would be one way to relieve the financial pressures experienced by victims and their families when offenders are referred to self-funded intervention programmes.

Women participants also suggested that court processes needed to be modified so that they have easier access to support without the necessity for them to face their abusers in court. They wanted services for victims to be more extensive, accessible and ongoing, and for the justice sector to pay more attention to the needs of victims generally. Advocate key informants drew attention to the need for culturally appropriate victim services for immigrant women. Māori participants drew attention to the need for access to culturally specific ways of managing and healing the effects of violence on themselves and their children.

All participants valued specialised understandings of the dynamics of violence within an ongoing intimate relationship. Specialised services are essential to effective interventions that enhance women's safety both within the processes of legal intervention and beyond. One critically important consequence of specialisation is that it enables the justice sector to more consistently take account of the way in which the offender's control over his victim affects their ability to cooperate with legal interventions. Women participants specifically requested that a violent partner's control over his victim be considered when agents of the justice sector interact with them. They were aware of the advantages that specialist services available through the CVS had offered them in terms of sharing the burden of responsibility for protecting themselves and their families from his violence.

In relation to small, but important details, women participants told us of instances where police and victim advisors had communicated with them through letters and pamphlets. Letters require that victims take responsibility for hiding the communication from the partners to ensure that they do not provoke an angry, retaliatory response. The consequences of communicating by mail can be serious if it means that women are exposed to greater risk or are less likely to engage with services that could enhance their safety. Effective communication flow between victims and the agencies collaborating to maximise victim protection requires taking account of the specific needs of victims for safe communication.

In relation to offender services, women participants suggested that their partner's cultural needs should be taken into account and culturally appropriate alternative interventions should be provided. In some cases the lack of participation from men of their own cultural groups meant that the offenders were more likely to regard the interventions as insignificant and unwarranted. Women participants suggested that the WFVC and the justice sector more generally needed to be harsher with offenders in the sense that they need to be monitored more closely and the seriousness with which family violence offences were treated needed to be demonstrated consistently. While offenders remain unmotivated to change, problems in the processes of holding them accountable for change continue. Within the context of the WFVC's holistic approach to therapeutic jurisprudence the challenges of these problems intersect with issues of information flow and co-ordination of collaborative responses to intimate and family violence.

From the women participants' point of view the whole of the justice sector needs to be more supportive of victims. This support extends to further the services that were offered by CVS advocates and of the attempts that the WFVC was making to enhance victim safety through a coordinated interagency response to intimate violence.

The critical importance of community responses to intimate violence was evidenced by the women participants' advice to others to find support and encouragement from those who had taken a stand against violence in their relationships. Having taken this stand themselves they were well positioned to apprehend the vital necessity of collaborative and co-ordinated responses to ongoing patterns of violence and abuse against women in intimate relationships.

11.1 Summary: How the WFVC enhances victim safety

We chose an interpretivist methodology for the current study so that we were better able to understand women victims' accounts of how their lives are affected by the processes and procedures of the WFVC and the advocates who provide community based victim services within the court. We were aiming to understand how the WFVC protocols do or don't work to enhance their safety.

As a consequence of our analysis of these accounts, our specialisation in the research literature and the dynamics of family violence, and our involvement in collaborative research with those who work within the coordinated justice response we understand that the WFVC is able to share some of the burdens of responsibilities that women victims experience when their partners are arrested for violent offences against them. The arrest of an intimate partner for a violent offence constitutes a crisis within an ongoing pattern of controlling violence and abuse. Familial, community and social expectations leave women victims carrying burdens of responsibility for their own victimisation and for their safety as well as the protection of their children. In this situation, the WFVC involves collaborative interagency responses that are able to share a few of the burdens of these responsibilities at times when victims are experiencing traumatic re-offending. CVS advocates play a vital role in working with women victims to provide reliable information on their safety to the court. They bring specialist knowledge of the psycho-social effects of ongoing intimate violence into the court's decision making process. In meeting the goal of protecting victims, CVS advocates are at the heart of the responses that enhance their safety. Building stronger, better resourced and more extensive coordinated responses provides the best opportunities for sharing the victims' burdens more widely. The responsibility for stopping the violence remains with the perpetrators and within social relationships that continue to support violence in our homes.

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Appendix A: Protocols Relating to Family Violence Court at Waitakere District Court.

Waitakere District Court Family Violence Court Protocol - June 2005

AIMS

1. To overcome systemic delays in Court process
2. To minimise damage to families by delay
3. To concentrate specialist services within the Court Process
4. To protect the victims of family violence consistent with the rights of defendants.
5. To promote a holistic approach in the Court response to family violence.
6. To hold offenders accountable for their actions.

STRUCTURE

Each week, on Wednesdays, a “Family Violence Court” (FVC) will be held, to the exclusion of any other criminal work, to deal with all charges where family violence is involved. Apart from custody arrests, all summonses and remands will be to a Wednesday. The FVC will deal with pleas, sentence indications, sentencing, and (where time allows) defended hearings. Other defended hearings will be allocated early trial dates on ordinary defended days, or hearing days rostered for the purpose.

As far as possible, sentencing process will be conducted on a same day basis.

PROCESS

- A. On first appearance
 1. Except when a defendant indicates an intention to plead guilty at first call, the Registrar will adjourn the matter on standard bail conditions to a FVC in the following week; or by consent in custody to the nearest FVC. Where bail is sought and opposed, the matter will go before a Judge in the usual way.
 2. Duty Solicitors are to facilitate legal aid applications, and assignments are, where possible, to be made that day.
 3. Pleas of guilty at first appearance are encouraged, and attract the maximum sentencing credit. Not guilty pleas will not be entered (to discourage the belief that not guilty pleas are necessary to get discovery or time to take instructions).

4. Police basic disclosure packs are to be available promptly for all defendants, wherever possible at first call from the prosecutor.
5. The complainant's views about bail are to be conveyed to the Court either by a Victim Impact Statement, or by memorandum from Community Victim Services or the Victim Advisers (Victims Rights Act s30). For the rules as to access by defendants and counsel to Victim Impact Statements, and their use and return, see Victims Rights Act ss21-27.

B. Between first appearance and next FVC

1. Counsel and the officer in charge of the case are expected to discuss caption summary and plea.
2. Police to obtain the views of the victim (from Community Victim Services or the Victim Advisers) before the next FVC.
3. A plea is expected at the second appearance, although a further remand for in-custody offenders may be appropriate.
4. Any adjournments for plea beyond FVC only with Court approval.

Note: In this Court objection will be taken to contact between complainants and counsel, whether by counsel approaching complainants or vice versa, except through and in the presence of Community Victim Services or the Victim Advisor, who must be given reasonable notice of such intentions.

C. Family Violence Court day (FVC)

1. Sentence indications may be sought, and discussion about best process to follow for the family concerned may be entered into where appropriate. Not guilty pleas before disclosure, or before proper consideration of the charges, will be resisted. Defendants may be asked to confirm not guilty pleas entered through counsel.

On guilty plea

2. Stand-down reports to consider sentencing options, including the defendant undertaking an anger management, drug/alcohol or other programme, may be sought, to assist with same day sentencing.
3. The up to date views of the victim must be put to the Court, by way of Victim Impact Statement or through Community Victim Services or the Victim Advisers.
4. Same day sentencing unless:
 - (i) further remand for full pre-sentence report

- (ii) the defendant is to voluntarily undertake a programme before sentence is passed
 - (iii) the Court is considering a discharge without conviction after steps have been taken to address appropriately the family issues
5. Any variation to the charges laid, or amendments to police caption sheet, will be accepted only for principled reasons which are openly canvassed and recorded. Wherever possible victim input will be required, particularly where significant changes to the caption sheet are proposed.
 6. Discharges without conviction will be limited to the rare circumstances envisaged by ss.106 &107 of the Sentencing Act.

On a not guilty plea

7. There will be no status hearing. The charge(s) will be adjourned to the earliest available date for hearing, having particular regard to the situation of a defendant in custody.
8. If a defendant wishes to change his/her plea before the hearing date, the defendant or counsel should arrange for the case to be called in the next FVC. This is consistent with the desirability of helping families to repair as soon as possible and to earn any sentencing concession in line with national sentencing policy for pleas of guilty.
9. Changes of plea on the defended hearing date, while more favourable for a defendant than conviction following defended hearing, will not earn the same sentencing credits given for early plea.
10. Counsel and prosecutors are expected to communicate in good time before defended hearings to resolve any issue which might upset the matter proceeding on that day.
11. Police and defence counsel are to complete the Family Violence Not Guilty Checklist (copy attached) on the day a not guilty plea is entered (that is at FVC).

D. Available sentences

Parties should be aware that all the available sentences in the Sentencing Act may of course be applied but special consideration will be given under this pilot to the following outcomes, singularly or in combination, depending on the fact situation established, rather than necessarily the particular charge laid:

- (a) Imprisonment
- (b) Imprisonment with special release conditions to undertake a programme, extending if appropriate beyond sentence expiry date.

- (c) Community work and supervision
- (d) Community work
- (e) Supervision with special conditions involving anger management and/or drug/alcohol programmes
- (f) Section 112 Sentencing Act non-association order
- (g) Conviction and discharge
- (h) Convicted and ordered to come up for sentence if called upon.
- (i) Section 106 discharge without conviction, in truly minor cases particularly where voluntary anger management is completed
- (j) In appropriate cases resolution may include the making of a protection order under the Domestic Violence Act, and if necessary final disposition delayed pending completion of the attendant programmes.

E. Bail issues

Standard conditions of bail will be imposed unless other conditions are agreed following input from the police and/or Community Victim Services or Victim Advisers. Likewise conditions of any bail variation should involve input on behalf of victims.

F. Involvement of Community Victim Services

Community Victim Services is a term incorporating the various community organisations involved in victim support in family violence cases in Waitakere. Their involvement in the Family Violence Court is in accordance with the Protocol for Family Violence Victim Services at Waitakere District Court that was developed for this purpose. Their wish to speak should, when necessary, be made known to the presiding Judge by the prosecutor.

This practice proceeds on the expectation that there will be common agreement between all interested groups, including counsel for defendants, with the philosophy that healing of the family is a paramount consideration and that it is damaging to proceed on a not guilty basis except in cases where there is a clear denial.

June 2005

Protocol for Family Violence Victim Services at Waitakere District Court - October 2004

Principles

1. To provide the best possible level of service to victims of family violence, in accordance with the Victims Rights Act 2002.
2. To recognise the long-standing partnership between the Waitakere Court and Community Victim Services.
3. To recognise the statutory obligations of Court staff and the Police under the Victims Rights Act.
4. To avoid confusion among victims in relation to the available support and advisory services.
5. To harness the experience and commitment of Community Victim Services in Waitakere.
6. To reinstate the high level of co-operation and mutual recognition among all victim services at Waitakere.
7. To support the effective operation of the Waitakere Family Violence Court in accordance with its protocol.
8. To re-establish formal understandings, following the termination of the 1999 Service Level Agreement between the Court and WAVES.

Resources and Realities

1. The Court must operate within the parameters of the Victims Rights Act 2002.
2. Procedures should reflect the reality of information about cases routinely being disclosed to the public in open Court.
3. The POL 400 Family Violence forms completed by the Police in every family violence case are made available routinely to the three main Community Victim Services namely Victim Support, Viviana and Tika Maranga (collectively referred to hereafter as CVS), in accordance with the Memoranda of Understanding between the Police and CVS.
4. As a result of their receiving the POL 400 forms CVS will be aware of all family violence cases and victims which result in a Court prosecution.

Procedures

1. CVS will continue their call-out service to victims.

2. The first letter sent out to victims by the Victim Advisor (VA) will outline the services available through the VA, and include a leaflet outlining the services available through CVS
3. In their first contact with victims CVS will outline their services as well as the services available through the VA.
4. All CVS groups, and the VAs, will follow up contact from victims, either by telephone or in person, as requested by victims.
5. Offenders bailed by the Deputy Registrar at first appearance will receive standard bail conditions i.e. non-association with complainant and residential condition, except at the express request of the victim conveyed through the VA or CVS.
6. A VA will not be present in the Family Violence Court (FVC), but will be available to the Court on other days. CVS will be present throughout FVC days. Both VAs and CVS will be available to appear in Court if or when a Police Prosecutor or Judge requires attendance.
7. The VAs and CVS will liaise to try and ensure there is no unnecessary duplication. A memoranda will be provided as early as possible to the Judge, Police, Defence Counsel and victims.
8. If a victim contacts a VA saying they need support the VA will refer the victim to CVS for support. The VAs will continue to provide information and advice to victims at Court when requested or approached.
9. The Police and CVS will liaise over appropriate and relevant bail conditions for Police bail hearings and first Court appearances. Where appropriate memoranda will be submitted to the Court.
10. At the time of filing an information sheet Police and Court staff will identify Family Violence cases by using a red "FV" stamp.
11. On all Court days all files stamped "FV" will be placed in a tray by the Court taker after the case is heard, to be accessed by CVS in Court during adjournments.
12. A copy of the Court list will be made available to CVS on request at the Criminal Court counter when they sign for security cards etc.
13. All VAs and CVS staff will wear identifying name badges at Court.
14. Court files are not to be removed from Court unless Criminal Manager gives permission.
15. Court files removed from the courtroom must be returned promptly to ensure data entry and security of the court record is maintained.
16. In the layout of the FVC courtroom there will a place for CVS to be positioned in the area designated for Community Groups/Probation/Collections/Media. When

necessary CVS can be seated beside the prosecutor to ensure the victims views are conveyed to the Court.

17. A lockable room in the Court building will be equipped with a desk and chair and be made available for CVS during business hours. CVS will, together with the VAs, also have the use of the victim suite.
18. A phone will be provided for CVS, together with a logbook for recording cellphone usage on a monthly basis. The phone will be used for victim related matters stemming from a Court appearance. The Court administration will monitor the logbook on a monthly basis to ensure costs to the business are relative.
19. Access to photocopying facilities will be made available in the Criminal Office to CVS for court business related matters only, provided that CVS nominate two designated staff and submit the names to the Criminal Caseflow Manager. In the interest of security and safety of Court staff, the Criminal team should be familiar with CVS designated staff.
20. CVS may attend Court on non-FVC days, to support family violence victims when appropriate. On those days the same arrangements as set out above will apply.
21. CVS will make their services available to all family violence victims, and the VAs will encourage victims to make use of those services during and after the Court process.
22. All those present in Court must observe standard Court protocols and procedures, and minimise movement around the body of the Court while the Court is sitting.
23. This protocol will commence in August 2005 and be reviewed in December 2005.

Appendix B: Interview Schedules for women victim participants and advocate key informant interviews

Interview Schedule – Women victim participants

The following questions will be covered in the interview, but participants will be invited to tell their own stories of the events and how they have coped with them in their own way.

The interview is structured around a starter and prompt series of questions. Prompts are only used to ensure that all the issues of interest to the researchers are raised. Interviewers identify appropriate responses within the participant's story as it is told from their own point of view and prompts are not used if the relevant information has been provided spontaneously.

Starter

Thank you for participating in this research. We are most interested in hearing your story of what happened to you when you were involved with the Waitakere Family Violence Court in relation to [offender's name] starting from the very beginning.

Background Prompts

These background questions will invite participants to expand on the charges and talk to the researcher about the whole background to their family member's arrest and appearance in WFVC. This includes how evidence was obtained, who talked with them about the WFVC and what would happen on first appearance, who supported them and how they found out what would happen. Questions that ask about the reaction of family and friends will raise issues related to support and safety prior to the first WFVC appearance.

- What happened first?
- What was/were the charge/s laid against your [family member]?
- Did anyone explain these charges to you?
- How was evidence collected?

Were you involved in interviews with the police? How did you feel during these interviews?

- What did you know about the WFVC and how it worked at the time? Who provided you with information? What were you told? How did you feel about this? Did you need more information?
- What was the reaction of family and friends?

Have relationships with family/friends helped or made things more difficult?

Processes Prompts

These questions invite the participant to talk about the services provided to them throughout the WFVC process. In the WFVC these services are provided, differently, by Community Victim Services and Victims Advisors. These questions will also invite the participant to talk about how offender treatment programmes affected their wellbeing.

- What was it like to give your victim statement/memorandum?

How did you feel when you were giving your statement? Who was involved? Did anyone from your family or any of your friends support you during this process?

- Did your [family member] get bail?
What were the conditions of the bail? How did you feel about these conditions? Did they make it easier or more difficult for you? How? How did your [family member] and others in your family react to these conditions?
- Did you come to WFVC when [your family member] was appearing? How many times did your [family member] attend WFVC? How many times did you attend? What happened for you during these appearances? [If you did not attend, why not? Did someone stay in touch with you? Who told you what happened?]
- Did anyone explain your [family member's] sentence to you?
- How were things between your [family member] and you while [he/she] was attending the [name of] programme?
- Was any support offered to you to help you understand what the [name of] programme was about and how you might be affected by your [family member's] attending the programme?
Who was involved in supporting you?
- What was the most distressing thing that happened to you during your experience with the WFVC processes?
How did you feel at the time? [angry? afraid? scared? unsafe? ashamed?]
- What was the most helpful thing that happened during this time?
Who helped and what did they help with?
- How did you feel at the time? [safer? hopeful? taken seriously?]
- Can you think of anything that would have made the process easier?

Outcomes Prompts

These questions invite the participants to talk to the researcher about their retrospective and global reflections on the whole process of being involved with the WFVC. They also affirm the value of the participants' contributions to providing feedback to the WFVC and the Ministry through the research process.

- What would you most like us to tell people at the WFVC?
- What would you most like us to tell the people who manage all the Courts?
- What advice would you give other women/men in a situation like yours?
- Do you think anything that's happened through the WFVC process has increased your safety?
- Has your health been affected?
- How has life changed for you?

Interview Schedule – Advocate key informant interviews

The following questions will be covered in the interview, but participants will be invited to provide their own accounts and raise issues of concern to them in their own way.

The interview is structured around a starter and prompt series of questions. Prompts are only used to ensure that all the issues of interest to the researchers are raised. Interviewers identify appropriate responses within the key informant's account as it is told from their own point of view and prompts are not used if the relevant information has been provided spontaneously.

Starter

Thank you for participating in this research. We are most interested in hearing about your experience of working with victims involved in the Waitakere Family Violence Court.

Background

Can you tell me about how you came to be working with victims in the WFVC, and how long you have been involved in victim support and advocacy work?

- How did you come to be involved with WFVC work? Have you ever been involved in providing services to victims while their family members have been before other district Courts?
- When did you start working with WFVC victims?
- In what capacity have you been involved in advocacy and support work over this time?

Victim safety

I am most interested to hear about what you have learnt about victim safety through your involvement with WFVC victims.

- What is the most dangerous time for victims during the WFVC process? What kinds of dangers do victims face during this time?
- Are there any aspects of the WFVC process that put victims at risk of further harm in your experience? What kinds of harms might they experience?
- Are there any aspects of the WFVC process that enhance victims' safety in your experience?
- How important is the initial police response to victims' safety during the WFVC process?
- How important is it for victims to be involved in the WFVC process? What is the safest way for them to be involved?
- How important is it for victims to attend hearings of the WFVC?
- What differences do you notice in terms of safety between defended hearings and situations where the offender pleads guilty?
- What difference do you notice in terms of safety between the different sentences that are applied in the WFVC?
- How does the involvement of community service agencies affect victims' safety?
- What are the most important aspects of community and WFVC collaboration for improving victim safety?
- Based on your experience, do you think that victim's trust the WFVC process? Are victims more likely to report repeat offences after being involved with the WFVC process? Are you aware of victims who have refused to report

subsequent offences because of their previous experiences with the WFVC?
With other district Court processes?

- If you had the opportunity to initiate one change that would improve victim safety what would that be?

Culturally appropriate responses to family violence

I would like to know something about what you have learnt about culturally appropriate responses to family violence through your involvement with WFVC victims.

- In your view how well does the WFVC take account of cultural diversity among victims?
- Are some victims more likely to have their safety compromised because of their cultural affiliations or ethnic identity? Who? Why? What kinds of compromises?
- Are there aspects of WFVC process that are more likely to result in victim's with particular cultural affiliations or ethnic identities trusting the WFVC?
- What kinds of services could the WFVC provide that might improve safety for Māori women? Pacific women? Asian women? African women? Other immigrant women?
- What kinds of issues affect the provision of culturally appropriate victim services to the WFVC?

Is there anything you would like to add that you think it is important for us to take into account?

Appendix C: Information Sheets and Consent Forms for women victim participants and advocate key informants



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www.massey.ac.nz
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Accounting for Safety: Victims' experiences of the Waitakere Family Violence Court

INFORMATION SHEET (Women Victim Participants)

Dear

We are sending this information to you through a contact person at Viviana because we would like to invite you to take part in some research we are doing to see how well the Waitakere Family Violence Court is working.

We would like to assure you at this stage that we do not have your contact details and will not be able to contact you directly unless you give us your details. If you do give us your contact details we will not tell anyone else that you have decided to participate. If you would like your contact person from Viviana or Tika Maranga to know that you are taking part then you may choose to tell them, but we will not be giving them this information.

Before deciding whether you wish to be involved in the research, please read this letter carefully to ensure you fully understand the nature of the research project and your rights should you choose to participate

Please feel free to contact either of us if you have any questions or concerns regarding the research.

Researchers:

Mandy Morgan, School of Psychology, Massey University, Palmerston North

Phone: (06) 356 9099 ext 2063

e-mail: c.a.morgan@massey.ac.nz

Leigh Coombes, School of Psychology, Massey University, Palmerston North

Phone: (06) 350 5799 ext 2058

e-mail: L.Coombes@massey.ac.nz

What is this study about?

At the Waitakere District Court a special court runs on Wednesdays that only deals with cases identified as Family Violence. The Waitakere Family Violence Court (WFVC) is unique in offering victim support through victim community agencies.

This research aims to evaluate whether the protocols of the Waitakere Family Violence Court are enhancing safety for women who have been victimised from their point of view. In particular, the focus of this research is to identify positive and negative safety outcomes for you and your families under the Court's monitoring system. We are interested whether the Court is doing its best to take your safety into account.

To participate in this research, you need to be 18 or over and for it to have been at least two months since you had any involvement with the Waitakere Family Violence Court.

What would you have to do?

If you agree to participate you would need to be available for an interview to share your experiences of Waitakere Family Violence Court. We are especially interested in talking to you about your safety and the degree to which you felt safer (or not) as a result of involvement with WFVC. We expect the interview will last between 1 to 2 hours. We will have some open ended questions we'd like to ask, but we mainly concerned that you have an opportunity to tell us about your experiences of the processes of the Family Violence Court. Interviews will be conducted privately in a place that is convenient and safe for you. If you decide to take part in an interview you can discuss your needs for safety and privacy with a contact person from Viviana or Tika Maranga, or with one of us.

The interviews will be audio-taped by the interviewer if you agree. The audio tape will be transcribed word for word so that we can analyse the information that you give us. We will not use your real name or the names of any of your family in the transcripts so that it is harder for you to be identified. The transcriber will also sign a confidentiality agreement to protect your privacy. Audio-tapes will be destroyed after transcription. We will also send you a transcript of your interview so that you can check it and make any changes you would like to make. In the final report we will not use any identifying information. We will do everything we can to ensure that you can speak openly with us, in confidence. However, it is impossible for us to guarantee that no-one will find out that you took part in this research, so please take account of this before you decide to whether or not you would like to participate.

At the completion of the research everyone who takes part will be sent a summary of the research findings.

What can you expect?

If you choose to take part in the research, you have the right to:

- Withdraw from the study up until 1 month after the interview;
- Decline to answer any particular question;
- Ask for the audio tape to be turned off at any time during the interview;
- Ask any questions about the study at any time during participation;
- Provide information on the understanding that your name will not be used;
- Be given a summary of the findings of the study once it has been completed.

Thank you for reading this information sheet.

This project has been reviewed and approved by the Massey University Human Ethics Committee: Southern B, Application 07/18. If you have any concerns about the conduct of this research, please contact Dr Karl Pajo, Chair, Massey University Human Ethics Committee: Southern B, telephone 04 801 5799 x 6929, email humanethicsouthb@massey.ac.nz.

Accounting for Safety: Victims' experiences of the Waitakere Family Violence Court

INFORMATION SHEET (Advocate key informant participants)

Our names are Mandy Morgan and Leigh Coombes and we would like to invite you to participate in our research project. We have been contracted by the Ministry of Justice to evaluate the Waitakere Family Violence Court services from the point of view of victims. We will be interviewing 15 – 20 women victims who have been involved in the court. However the scope of the proposed project is not sufficient for safe sampling techniques that will produce robust findings on victims' experiences of safety across *all* Court processes, so we would like to also obtain insights into a variety of these experiences through interviews with key informants who have worked with victims over a number of years. To obtain these insights we would like to interview two or three key informants from different non-government organisations working with the Court.

Researchers:

Mandy Morgan, School of Psychology, Massey University, Palmerston North
Phone: (06) 356 9099 ext 2063
e-mail: c.a.morgan@massey.ac.nz

Leigh Coombes, School of Psychology, Massey University, Palmerston North
Phone: (06) 350 5799 ext 2058
e-mail: L.Coombes@massey.ac.nz

Before deciding whether you wish to be involved in the research, please read this letter carefully to ensure you fully understand the nature of the research project and your rights should you choose to participate. Please feel free to contact either of us if you have any questions or concerns regarding the research.

What is this study about?

At the Waitakere District Court a special court runs on Wednesdays that only deals with cases identified as Family Violence. The Waitakere Family Violence Court (WFVC) is also unique in offering victim support through victim community agencies.

This research aims to evaluate whether the protocols of the Waitakere Family Violence Court are enhancing safety for victims from the point of view of victims. In particular, the focus of this research is to identify positive and negative safety outcomes for victims and their families under the Court's monitoring system. We are interested whether the Court is doing its best to take victim safety into account.

To participate in this research, you need to be 18 or over; be working for a non-government organisation working with the Court; and to have worked with victims for at least 5 years.

What would you have to do?

If you agree to participate you would need to be available for an interview to share your experiences of Waitakere Family Violence Court. We are especially interested in talking to you about victim safety and the degree to which involvement with WFVC enhances or hinders victim safety. We expect the interview will last between 1 to 2 hours. We will have some open ended questions we'd like to ask, but we mainly concerned that you have an opportunity to tell us about your experiences of the processes of the Family Violence Court. Interviews will be conducted privately in a place that is convenient and safe for you.

The interviews will be audio-taped by the interviewer if you agree. We will not use your real name or the names of any of your clients so that no identifying information appears on the transcripts. Audio-tapes will be destroyed after transcription. We will also send you a transcript of your interview so that you can check it and make any changes you would like to make. We will do everything we can to ensure that you can speak openly with us, in confidence. However, it is impossible for us to guarantee that no-one will find out that you took part in this research, so please take account of this before you decide to whether or not you would like to participate.

At the completion of the research everyone who takes part will be sent a summary of the research findings.

What can you expect?

If you choose to take part in the research, you have the right to:

- Withdraw from the study up until 1 month after the interview;
- Decline to answer any particular question;
- Ask for the audio tape to be turned off at any time during the interview;
- Ask any questions about the study at any time during participation;
- Provide information on the understanding that your name will not be used;
- Be given a summary of the findings of the study once it has been completed.

Thank you for reading this information sheet.

This project has been reviewed and approved by the Massey University Human Ethics Committee: Southern B, Application 07/18. If you have any concerns about the conduct of this research, please contact Dr Karl Pajo, Chair, Massey University Human Ethics Committee: Southern B, telephone 04 801 5799 x 6929, email humanethicsouthb@massey.ac.nz.

ACCOUNTING FOR SAFETY: VICTIMS' EXPERIENCES OF THE WAITAKERE FAMILY VIOLENCE COURT

PARTICIPANT CONSENT FORM – INTERVIEWS

This consent form will be held for a period of five (5) years

I have read the Information Sheet for this study and have had the details of the study explained to me. My questions about the research have been answered to my satisfaction, and I understand that I may ask further questions at any time.

I also know that I am free to refuse to answer any questions, can withdraw any information I supply at any time, and can withdraw from the study at any time, up to 1 month after the interview.

I agree to provide information to the researcher on the understanding that it is confidential and that this information I supply will not be used for any purpose other than this research. I understand that the researchers will do all that they can to ensure my privacy but it is impossible for them to guarantee that no-one will find out that I took part in this research. I also agree to the researchers' audio-taping the interview, and know that I have the right to ask for it to be turned off at any time during the interview. I am also aware that my tape will be destroyed after it has been transcribed.

I understand that the researchers may use brief direct quotations from the interview(s) in their reports of the study provided these do not identify me in any way.

I agree to participate in this study under the conditions set out in the Information Sheet.

Signature:

Date:

Full Name - printed