

## Chapter 5: Safe at Home

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In May 2004 the Tasmanian Government launched Safe At Home, an integrated pro-arrest, pro-charge, pre-prosecution response to family violence. The need for a new response to family violence in Tasmania was driven by a number of factors;

- Seven (7) women were murdered in domestic violence incidents in the period 2000-2003, the latest being on 4 December 2003.
- The number of incidents of domestic violence reported was shown to be increasing and support services were stretched beyond their capacity.
- Tasmania could no longer afford the economic or social costs of family violence. Research by KPMG in 1994 showed that domestic violence cost Tasmania about \$18 million per year. The intergenerational and opportunity costs (in the form of ill health, increased criminal behaviour etc) to the members of families in which such violence occurs were also noted as significant and ongoing.
- *Tasmania Together* (a consultative process between the government and the community to determine policy goals) identified a reduction in the reported level of family violence as a key indicator in the achievement of the goal to 'Have a community where people feel safe and are safe in all aspects of their lives'. National and international research shows that the first step in reducing family violence is to increase the accessibility and responsiveness of the justice system in providing protection to the victims of family violence. The second step is to provide them with information about their rights and enhance their capacity to use the justice system to seek protection from and deal with the offender.
- Tasmania has been an active participant in the National Partnerships Against Domestic Violence programme. As a result there was access to a national pool of evidence of 'what works' to make victims safer and reduce the incidence of family violence in the community.

A pro-arrest policy means that violent behaviour towards a person in their home by a member of the household is considered no less of an offence than violent behaviour towards another person in the community. The pro-arrest approach sends a clear message to the community that

any violent act against another person is unacceptable and inappropriate behaviour irrespective of any relationship between the victim and the offender. The policy involved the development of new legislation, as well as the introduction of new services and work practices with respect to family violence in the departments of Health and Human Services, Police and Justice.

The new legislative provisions include:

- a broad definition of family violence including economic abuse and emotional abuse and intimidation;
- mandatory reporting of family violence;
- the introduction of Family Violence Orders (issued by a Court) and Police Family Violence Orders (issued by police);
- increased police powers to enable the implementation of a pro-prosecution policy;
- significant penalties for breaches of Family Violence Orders;
- provisions for the exclusion of the perpetrator from the family home, including the ability to vary a lease agreement to remove the name of the perpetrator;
- the addition of sentencing options that require an offender to attend a perpetrator program;
- recognition of children who live with violence as victims in their own right; and
- specific provisions for the protection of children experiencing family violence.

The new services developed under Safe At Home include dedicated police teams known as the Victim Safety Response Team (VSRT) and a 24/7 Family Violence phone line which links the victim to the VSRTs and counselling services. Typically victims are often required to move out of their home to seek safety and avoid further contact with the offender however the current aim is to help the victim to remain in the family home. The proposed arrangement should reduce the demand for emergency accommodation for women and children escaping violent households. The victim will work with Police to arrange appropriate safety plans to assist them to reduce any ongoing safety issues which will include improved security in their home and increased Police patrols.

Other new services include counselling programs provided to assist each victim re-establish their life, support for children from households affected by family violence and court support to assist victims and children through the court process. Additional services are also provided to deter offenders from re-offending through an offender program for those assessed as being most likely to benefit.

## Tasmania Police Perspective

Assessing risk is not a new concept for operational police. In the past, it has assumed the form of written or mental appreciations, derived from a military model of determining the level of risk by considering the impact of specific factors pertaining to an issue or situation at hand. Likewise, risk assessments conducted by police at family violence incidents have historically consisted of an individual's mental appreciation of the specific circumstances, and the subsequent action is based upon the assessed level of danger, together with current policy (pro arrest & pro action). The mandate for the Safe at Home Project, and the contemporary approach subsequently adopted by Tasmania Police, is based upon the premise of intervention and positive action at the earliest opportunity, whereby the safety of the victim (including any children affected by the violence) has primacy. This innovation requires a paradigm shift in attitude, approach, police practices and process and most significantly, police culture.

The emergence of Safe at Home provided an opportunity to completely overhaul the way police manage family violence incidents, with a view to not only providing a better service, but also to reinforce the accountability of decisions made regarding incident management.

The revised police practices are being redefined around four basic principles:

1. To enhance the safety of the victims (including any children affected by family violence)
2. To provide a more robust and accountable system that logically outlines and records the justification for operational decision making
3. To provide salient information regarding family violence offenders, that is of value for the second level of assessment (SARA) (Kropp et al, 1998) prior to consideration for admission to an offender programme
4. To afford a court with valuable and pertinent information concerning the family violence history of the offender in addition to the facts of the current incident.

Research of management processes for domestic violence adopted in other Australian police jurisdictions, revealed there is no common or national best practice regarding documented risk assessments at family violence attendances. The New Zealand experience provided a risk assessment instrument similar to several tools used in the USA probation system that is applied across the country in an ad hoc manner and is unsupported by policy and additional resources. Likewise, there are a number of template options available both nationally and internationally, that include both intuitive and actuarial components both of which have proven benefits and limitations.

**Intuitive assessments** are based upon subjective opinion and in police terms equate to *gut feeling*. Noting the presence or absence of particular risk factors is a salient feature of this type of assessment, however attaching a value or grading to particular risk factors against each other is left to the individual, and therefore provides inconsistent results, both across the organisation and over time.

**Actuarial assessments** involve attaching a value to particular elements of risk which when added together, provide a final score. This scientific approach is dependant upon a comprehensive list of factors being identified and is more applicable to less complex and less dynamic situations than human experiences such as family violence incidents.

The impetus for change in Tasmania, together with the need to increase the robustness and accountability of operational decision making, created an environment appropriate for the development of an *instrument* to accurately record in a consistent manner across the organisation, the basis upon which operational decisions are made.

Another consideration that was not adequately addressed historically was the typology of the offender the police were dealing with. Each situation involved treating the offender without examining his history, behaviour or possible psychological make up. By better educating operational police in the different types of offender and incorporating identifiers into the risk assessment process, a more holistic process began to emerge that provided a better understanding of the incident. Police began to note that several apparent small occurrences, not necessarily involving physical violence, are likely to indicate a series of behaviours that if not addressed may well escalate into a serious or fatal incident.

The subsequent instrument that was devised is based upon an ethos of professional judgment (emerging from an actuarial tool complimented by an admiralty scale (to allow for a subjective analysis of the information *reliability* and *accuracy*) combined with a professional over ride facility and validation by an appropriate supervisor.

### **The Risk Assessment Screening Tool (RAST)**

The RAST was developed through a partnership between the Department of Police and Public Safety and the Department of Justice and Industrial Relations. It contains an actuarial component which shares a number of risk factors with the SARA. The risk factors were collated by reviewing several other tools used to assess the risk of future violence, clinical research pertaining to risk factors, an analysis of a selection of contemporary Tasmanian family

violence incidents (268 incidents attended by Tasmania Police in May 2004) and a review of coronial files arising from femicide incidents in Tasmania since 1957.

The review of police attendance at family violence events took the form of retrospectively applying the RAST to a number of reports emanating from family violence incidents and also from surveying the police officers who attended. The results outlined that a great deal of salient information relating to the history of the offender was not gathered at the time of attendance. Instead, it became apparent that police were dealing with the *incident at hand* rather than attempting to manage the ongoing situation.

Many times the current incident was managed appropriately, but it was dealt with separately, in isolation from incidents that had involved the parties in the past. In this way, a lot of valuable data pertaining to psychological traits and behaviour of the offender was not adequately considered.

Many of the tools that were considered did not suit the contemporary Tasmanian situation nor did they provide a basis for intervention at the earliest possible time. Many sought to identify the factors that may indicate the risk of homicide rather than indicate the risk of the offender being involved in a future violent incident. By scaling back the indicators, it is anticipated that the RAST will be more successful in identifying the opportunity to intervene at an early stage, before the situation escalates to a very serious situation involving potential death.

The resultant process and approach to dealing with family violence has a clinical and operational platform that has not previously been experienced in Tasmania.

The inclusion of the admiralty scale means that although predominantly designed for completion by an interview between an attending police officer and the victim, it is possible to complete the risk assessment with a neighbour or relative if the victim is uncooperative or not capable of participating in an interview (due to a disability or another condition). This instrument is completed at the scene (hand written) by the attending officers when interviewing the victim, as it is apparent that the *best* and most reliable evidence is obtained from the original source (the victim).

To compliment the Tasmanian instrument, a list of pertinent questions has been devised to accompany the tool as a *guide* to glean the necessary information from the victim to confidently complete the risk assessment. This aid memoir, has been of benefit to all attending officers as it was intended to change the approach and thinking of police when interviewing victims. This is an important precursor to cultural change. As more and more risk assessments are being conducted, officers are finding that the presence of the nominated risk factors is very widespread. Factors such as 'pregnancy or

new birth (less than twelve months) within the relationship' for example is common and is one which would not have been considered by police as an indicator, prior to the new process being adopted.

The outcome of the risk assessment provides the attending police with an ability to make decisions based upon a systematic process enhanced by an ability to engage professional override. This is an important feature when operational decisions come under scrutiny, such as in a judicial environment. To be able to confidently outline a consistent and logical process that is based upon research and operational experience in a Tasmanian environment, provides a greater level of professionalism.

To ensure consistency across the organisation, a table of mandatory police action has been devised. This table outlines the minimum police action for the risk category and is intended to reflect the ethos of *Safe at Home*.

The RAST is currently being considered for a tertiary review and methodological analysis by a multi faculty panel (University of Tasmania) as well as undergoing a continuing internal review from an operational perspective. The review will incorporate many stages as it is accepted that to truly be able to validate the tool and the process a long term vision is required. However, regular reviews of incidents and feedback from attending officers and victims will provide anecdotal information that can be used to hone the instrument and police practices.

Together with enhancements to the current recording mechanisms, the RAST provides a viable and innovative option for determining the appropriateness of police action at family violence incidents. With the emphasis upon enhancing the safety of victims and positively intervening at the earliest opportunity, *Safe at Home* establishes a multidepartmental strategy that will establish Tasmania as a world leader in managing domestic violence.

## **The Tasmanian Family Violence Offender Intervention Programme**

At this stage the Safe At Home response is focused on adult offenders in intimate relationships. Having been found guilty by the courts the more serious offenders are sentenced for assessment to determine their level of risk and suitability for the Family Violence Offender Intervention Program (FVOIP), a high intensity program for high risk offenders. Previous to Safe At Home there were basic systems in place, so in developing offender intervention Tasmania was in the unique position of being able to scour the nation and world for best practice and implement interventions specific to our needs.

After reviews of the literature and consultation with a variety of jurisdictions the Spousal Assault Risk Assessment (SARA) (Kropp, Hart, Webster, & Eaves, 1998) was selected as the tool to assess offenders. The SARA is a checklist of risk factors divided into 5 domains; criminal history, psychosocial adjustment, spousal assault history, alleged/most recent offence and any other pertinent considerations. Each of the risk factors (twenty in total) has been demonstrated to be reliably associated with family violence. The tool was selected because of its proven reliability and validity and because of its broad application. As it is not a controlled psychological test it can be used in a variety of contexts by different users. The minimal qualifications that users must have are expertise in individual assessment and expertise in the area of spousal assault.

A semi-structured interview was written to complement the SARA and is conducted with the offender asking questions about their family life, health – physical and psychological, educational and vocational history, offending history, substance abuse, relationship history and family violence history. Motivational interviewing is utilised to determine offenders' willingness to accept responsibility and to address their offending behaviour. The interview takes approximately 2 hours and the ability to sustain concentration for this period of time may be used as an indicator of the offender's capacity to engage in the program.

A variety of independent information is considered in conjunction with the offender interview. When a referral is received from the court, automatically requests for information are generated and sent to the Police, Community Corrections, Youth Justice, Child and Family Services and Court Support. If available these services will provide the following information;

- Police – screening tool (RAST), criminal history, Domestic Violence Incidence Reports (DVIRs), firearms licenses or applications, statement of facts, offender statement, victim/witness statements
- Community Corrections – information about whether the offender is known to them and if so contact with the case manager, any pre-sentence reports written in the past two years
- Youth Justice – any relevant information such as previous assessments, case notes etc
- Child and Family Services (CFS) – if there has been a child victim then information is sought as to whether the child is known to CFS and the status of the child
- Court Support – this service conducts an interview with the victim that is complementary to the offender interview

All the information (except the victim interview) is received prior to the assessment which allows the assessor to gain a general overview thus

enabling them to challenge any omissions or discrepancies that may arise during the offender interview. This has been found to work particularly well in generating a more comprehensive and accurate interview.

Several items on the SARA tap aspects of mental health, so as part of the assessment interview screening processes have been built in to ascertain the presence of alcohol or drug abuse, psychiatric or psychological conditions, intellectual disability, cognitive deficits, or developmental disabilities. If these factors are identified then offenders are sent to the Department of Health and Human Services (DHHS) for expert assessment to determine whether their condition would preclude them from being able to participate in the program and to provide recommendations about how to best manage the offender.

All of the information obtained (including the victim interview and the DHHS report) is used to determine the presence or absence of risk factors as specified by the SARA. The calculation of risk is used in conjunction with information about the offender's suitability for treatment and their motivation to address their issues, to inform the recommendation about whether or not the treatment program is suitable for the offender. Those who are deemed unsuitable to participate in the FVOIP at the time of assessment are provided with a list of alternative treatment and information options such as community programs, a men's help line phone number and a website address should they require further information or support.

The treatment program (FVOIP) that was selected for implementation in Tasmania was adapted for family violence offenders and cultural appropriateness from the violent offenders program currently offered by the New Zealand Department of Corrections. It is a high intensity 100 hour program delivered 4 days a week for 10 weeks. It deals with a number of key themes including:

- Motivation and buy-in at front end of program
- Offence mapping process as a way of identifying criminogenic need
- Skill building emanating out of offence process work targeted at internal states (mood state regulation, cognitions/thinking, chill-out)
- Skill building in terms of interpersonal relationships (managing conflict, feedback processes)
- Developing an alternative life map to replace the offence related pathways
- Family accountability systems to ensure long-term maintenance of behaviours.

The program is a cognitive behavioral group-based intervention utilizing interpersonal therapeutic techniques to enact change that targets the prime criminogenic need of violence propensity while addressing a range of other



criminogenic needs. It is based in a strong framework of accountability that focuses on self-responsibility utilizing motivational interviewing techniques and a range of learning styles to ensure that all offenders are able to maximize their change. It is co-facilitated by two trained clinicians, optimally a male/female dyad to model effective gender relations, and integrity is maintained through consistency in training and delivery.

During the course of the program, fortnightly case management meetings are held to monitor ongoing levels of risk and to ensure the safety of the victim. Prior to each meeting each offender on the program and the victim are asked to complete a sessional assessment form detailing any episodes of violence or abuse in the home during the fortnight, concerns for the forthcoming fortnight and strategies that are being used to control the offending behaviour. Program facilitators also complete a sessional assessment on each offender based on Gondolf's progress and discharge criteria (Gondolf, 1995) which is used to evaluate the progress of family violence perpetrators in intervention programs. The ongoing risk assessment looks at attendance, sobriety, homework completion, actual violence, situational changes, acceptance of responsibility for abuse, conceptual understanding, help seeking, process consciousness, active engagement with the facilitator and others, self disclosure, and sensitive language. This also provides the opportunity to identify what areas need to be targeted in the next fortnight for the offender and any recommendations or follow up actions required.

The case management meetings are always attended by the facilitators of the program, the local VSRT sergeants, the local court support and liaison officer and if appropriate representatives from Community Corrections, CFS, and DHHS. The purpose of the meeting is to provide a forum for information exchange to ensure the ongoing safety of the victim. If there is an escalation in risk or a crisis situation arises then the case management team is responsible for developing and implementing a safety plan with each party being designated a specific role co-ordinated by the FVOIP facilitators.

Safe At Home is still in the early stages of implementation so figures are not as yet available to reflect upon the outcomes of the system. Feedback from the offenders and victims interviewed for assessment thus far is that they are very supportive of the program and welcome the opportunity to address family violence. Anecdotal evidence from assessors indicates all the information collected for the process is very useful as it provides for a more holistic, comprehensive and objective assessment. In January 2005 the first program is scheduled to be run in Risdon prison. After this assessments will begin around the rest of the state and programs will be run in all the three regions.

The new integrated approach to family violence considers the recommendations of best practice outlined by the Partnerships Against

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Domestic Violence (PADV – a joint commonwealth and state initiative), national and international research and consultation with stakeholders. Safe At Home is a whole of government comprehensive approach to family violence with the primary objective of ensuring the safety of victims. Thorough risk assessments are used at a variety of stages throughout the process to inform decisions about how best to case manage the victims and offenders. The sharing of information across a variety of government departments ensures consistency and accuracy and provides a rich source of information for all involved. Like any new system it is envisaged that there will need to be changes over time and a certain flexibility and fluidity has been inbuilt in the form of regular periodic reviews. The development of Safe At Home has been infused with a sense of excitement and anticipation and we all wait with bated breath to see the outcomes.