

Police Safety Orders Formative Evaluation

Summary Report

A report prepared by

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KEY FINDINGS

On 1 July 2010 Police Safety Orders (PSOs) were introduced as an additional option for police officers when dealing with family violence incidents. This formative evaluation has provided encouraging preliminary findings on the implementation of this initiative.

Overall, PSOs have been well received by both police and the community and are generally being executed as intended, strengthening the range of responses available to police when dealing with family violence incidents. However, some barriers to their effective implementation were noted and, accordingly, there are a few areas where improvement can be made to enhance the efficacy of this tool.

Adequacy of resources, training and processes

Survey respondents and police interviewees reported high levels of participation in PSO-related training that they perceived had prepared them well to issue and serve PSOs. Both forms of training were found useful (Te Puna E-learning and classroom-based), but officers favoured the classroom-based style training.

Police made a number of suggestions for improvements around learning processes that included refresher training for both police and court staff.

There was a range of PSO-related information available to frontline officers that included the Family Violence Policy and Procedures Manual which was rated highly by officers. However, most frontline officers stated that they relied heavily on their commanding officers and the Family Violence Co-ordinator for support and information.

Frontline officers had, in general, found the new processes associated with issuing and serving a PSO to be efficient. Participating support agencies rated Police Officers' knowledge of PSOs highly.

Extent of use of PSOs

A total of 5242 PSOs were issued in the first 12 months of implementation (from 1 July 2010 to 30 June 2011) an average of 437 per month. PSOs were issued on average in one in every 20 family violence incidents attended by Police Officers. There has been a steady increase in PSOs issued over time.

As found in other jurisdictions, there were regional variations in the rate at which PSOs were issued. Eastern Police District issued the highest number, with Auckland City and Tasman having issued relatively fewer.

The majority of persons at risk were female (86%). Forty-two percent were Māori, 40 per cent European, 9% Pacific and 2% were Asian.

The majority of bound persons were male (89%). Forty-four percent were Māori, 36% European, 11% Pacific and 2% were Asian.

In 57 per cent of cases there was one or more dependent child (0-16 years) living with the victim/person at risk.

In 71% of cases the bound and protected persons were either married or in an intimate relationship. In 8% of cases the relationship was of a parent and a child, and 6% involved another family member.

Three hundred and fifty-nine breaches of PSOs were recorded in the first year (7% of the number issued). The Courts issued a Temporary Protection Order in 12 % of breach cases heard; 44 % were discharged and 40% received a new Police Safety Order.

PSOs being issued and served as intended

Overall, frontline officers were adhering to the protocols outlined in the Family Violence Policy and Procedures Manual when deciding whether to issue a PSO. However, not all officers carried out a PoIFVIR risk assessment prior to issuing a PSO.

Most persons at risk were receiving information on support agencies, but processes may need to be reviewed to ensure this is received in a timely fashion. Bound persons were less likely to receive support or assistance.

What works well

Several aspects of PSOs were seen to be working well; these included:

- providing police with another ‘tool’/option when attending family violence incidents
- providing police with the ability to diffuse the situation by being able to remove an individual from the premises and detain ‘her/him’ for two hours
- simple and easily navigated administrative processes surrounding the issuing and serving of PSOs
- removing the onus from victims to make a complaint and giving them time to consider their options

Areas requiring further consideration

It is clear from the findings of the formative evaluation that the following areas require further consideration:

Training

Staff need to be made aware that PSO training is mandatory; there is a need for refresher training for all staff, and specific training on dealing with breaches; court staff require further training. Police stated a clear preference for classroom based training as this could incorporate scenario based learning.

Risk assessment

The PoIFVIR risk assessment needs to be completed on site instead of officers relying on ‘intuition’ and prior knowledge to assess the appropriateness of issuing a

PSO. Ensuring that the form is of a practical length may facilitate this. In addition, there need to be clearer guidelines in the Family Violence Policies and Procedures manual around how the risk assessment should inform the decision of whether or not to issue a PSO.

Issuing of PSOs

Some concerns were expressed that PSOs were being issued in inappropriate situations. Clear guidelines around appropriate use are crucial. Group-based training could allow staff to work through various scenarios related to appropriate versus inappropriate situations in which to issue PSOs.

Breaches of PSOs

Increased knowledge of how to respond to breaches is needed by both Police and court staff. Administrative processes for the recording of breaches need to be more streamlined. Evidence existed that some were of the opinion that the penalties associated with breaching had 'no teeth' and should be increased. Officers need sufficient time to follow-up a PSO to ensure there has not been a breach.

Providing information

Consideration needs to be given to the needs of bound individuals and persons at risk for whom English is a second language. At the very least, the PSO pamphlet should be available in a range of languages.

Although police participants generally agreed that it would be rare for either bound individuals or persons at risk to receive a police-distributed PSO pamphlet these still need to be available and their distribution encouraged.

The purpose of a PSO also needs to be explained simply and clearly to bound individuals and persons at risk; clearly in some cases people confused PSOs with Protection Orders.

Timely referrals for support

Support was lacking for bound individuals. The issuing of a PSO provides an opportunity for the provision of services to this group; at the very least assistance with temporary accommodation should be available.

It is clear that sometimes the person at risk does not receive contact from a support agency until after the expiration of the PSO. This is contrary to the intent of providing wrap around services at the time of need. However guidelines, in the Family Violence Policy and Procedures manual around the referral process are confusing. There were also concerns around routine referrals made to CYF in family violence incidents where children were present.

1. INTRODUCTION

1.1 Background

Police safety orders (PSOs) were introduced by the Domestic Violence Amendment Act 2009 and provided the New Zealand Police with the power to issue and serve PSOs from 1 July 2010. This followed the introduction of similar orders in other jurisdictions, including Australia.

PSOs are a significant development in the law relating to family violence, premised on early intervention and protection for victims of family violence. PSOs enable the Police to provide immediate protection to victims of family violence.¹

Key features of PSOs include:

- PSOs can be issued and served at the scene in situations where there is insufficient evidence to make an arrest, but where there are reasonable grounds to believe that such an order is necessary to ensure the immediate safety of a person at risk
- PSOs provide the Police with the power to remove a person ('bound person') and require that person to vacate any land or building for the stipulated period of time and to have no contact with the victim. The Police are empowered to detain a bound person for two hours when issuing and serving a PSO
- PSOs can be issued for a period of up to five days
- PSOs are intended to provide a 'cooling down' period, removing the perpetrator from the scene and also providing persons at risk with the time and space to seek support (for example: develop a safety plan; access support services; apply for a protection order)
- PSOs may be issued by a qualified constable (an officer of sergeant or higher rank or constable authorised by a qualified constable) without the consent of the victim and against a person in a domestic relationship with another person.

The Police have developed instructions in the Family Violence Policy and Procedures to guide police officers on when and how to serve a Police safety order. In addition, training has been provided to police staff and to a number of police prosecutors and police communicators in the operation and use of PSOs.

In October 2010, the New Zealand Police commissioned the Crime and Justice Research Centre to carry out a formative evaluation to understand the implementation of PSOs and to inform the policy and practices surrounding their use.

¹ The definition of family violence used in the draft family violence policy and procedures guidance includes intimate partner violence, violence towards children or parents, teen dating/violence, elder abuse and violence in domestic or close relationships.

1.2 Formative evaluation objectives

A formative evaluation focuses on the investigation of early implementation issues and the identification of possible process improvements. Specifically, the aim of this evaluation was to determine:

- how the PSOs were being used
- whether the orders were being used as intended
- improvements that could be made to the process for using the orders.

A further aim was also to describe the context within which PSOs have been introduced taking into account the fact that there are a number of policies, initiatives and contextual factors that may also impact on how the orders are used.

1.3 Methodology

The evaluation was designed around six components:²

- 2 an initial stakeholder workshop designed to obtain early, high-level insight into the realities of the implementation and operation of PSOs and to provide key considerations to inform the formative evaluation
- 3 a review of research evidence pertaining to the introduction of Police Safety Orders (PSOs), or similar orders operating in other jurisdictions, was undertaken. New Zealand Police provided 19 articles for review. The literature consisted of a mix of grey literature and published literature.³
- 4 the analysis and review of administrative data relating to PSOs provided by New Zealand Police and the Ministry of Justice for the first six months of their implementation (i.e. 1 July 2010 to 1 January 2011). Some data were subsequently updated to June 2011.
- 5 an in-depth analysis of the implementation of PSOs was undertaken in three diverse geographical locations (Gisborne, Henderson and Lower Hutt). In total 50 people were interviewed across the three case study locations. This included 25 police who had either issued or authorised the issuing of a PSO, eight bound individuals and eight persons at risk, and nine community-based support agency representatives.⁴
- 6 a separate in-depth analysis of the views of bound and persons at risk
- 7 an on-line survey of frontline police officers who have been involved in issuing and serving PSOs. A total of 640 frontline officers and 26 Family Violence Coordinators completed an on-line survey (35 per cent and 66 per cent response rate respectively). All Police Districts were represented by respondents.

² See the Evaluation Appendices for more details on the research methodologies used in each of the evaluation components.

³ See Appendix A for a summary of the literature review.

⁴ A letter was also sent to the Chief District Court Judge to collect the views of the Judiciary on PSOs.

1.4 Ethics

An application for ethical approval for the study was submitted to the Victoria University of Wellington Human Ethics Committee detailing procedures for fully informing those being asked to take part in interviews about the research, for obtaining their informed consent, and for procedures for storing and maintaining the confidentiality of information. Ethics approval was granted in December 2010.

The provisions of the Privacy Act 1993 with respect to confidentiality and methods of obtaining, storing and destroying information were adhered to in this study.

1.5 Report format

This summary report provides a précis of key findings drawn from the interim evaluation reports.⁵ This report is structured around each of the evaluation objectives in turn. Findings in relation to **Objective 1** (i.e. learnings from other jurisdictions) are in Appendix A and those for Objective 6 (i.e. contextual factors) are incorporated under each of the other objectives.

⁵ See Kingi and Roguski (2011), Mossman (2011a; 2011b), Roguski (2011a, 2011b, 2011c, 2011d).

2. ADEQUACY OF RESOURCES, TRAINING AND PROCESSES

2.1 Introduction

Objective 2 of the evaluation was to determine adequacy of resources, training and processes for ensuring appropriate use of PSOs. Interviews conducted with police and community agency representatives as part of the three geographical case studies form the majority of material presented in this section which is supplemented with data from the administrative data review and on-line survey.

2.2 Training

Police PSO training occurred in two phases. First, trainees were exposed to PSO legislation and policy and procedure through internet-based learning on the NZ Police Te Puna intranet site. Following completion of this training, officers took part in classroom-based training. Police participants appreciated the group learning approach as the optimal means of learning about PSOs. This provided an opportunity for open discussion and an exploration of PSOs through scenario-based learning. This was supported in the on-line survey findings that found the group learning approach was preferred over Te Puna.

Of the 567 surveyed frontline officers who received the on-line Te Puna E-learning course, 69 per cent reported that they had found this form of training 'useful', 19 per cent reported it was 'very useful' and 10 per cent reported they had not found it useful, (two per cent could not say). Similarly, of the 25 Family Violence Coordinators who received this on-line training 64 per cent reported it as 'useful', 28 per cent as 'very useful' and eight per cent reported it as 'not useful'.

Less than one per cent (n=2) of the 382 who had received the classroom-based course said they had not found this useful, while 98 per cent reported it had been 'useful' (57 per cent) or 'very useful' (41 per cent; one per cent did not express an opinion). Family Violence Coordinators also viewed this form of training as being the most useful (none reported it as 'not useful', while 23 per cent reported it as 'useful' and 77 per cent 'very useful').

So, overall, the majority of survey respondents found both forms of training useful, but favoured the classroom-based style training.

Only a very small number of participants reported that they had not attended any training (two per cent of Issuing Officers and less than one per cent of Authorising Officers). This is lower than the six per cent of Issuing Officers and nine per cent of Authorising Officers recorded as receiving no training, out of all those who had issued/served or a PSO in the first six months of their implementation (1 July to 31st of December 2009, see PSO Administrative Data Review, Mossman, 2011a).

Police non-attendance at group training sessions was raised in Gisborne (see Roguski, 2011). Non-attendance resulted in the Family Violence Unit providing a

number of follow-up training sessions which placed an added strain on existing resources. Furthermore, despite the provision of additional training opportunities not all required officers had undertaken the group training at the time they were interviewed. Lessons can be derived from this experience that could be generalised across other areas. Specifically, police participants suggested that for the successful implementation of other training packages staff need to be made aware that training is mandatory and that their attendance is tied to performance reviews.

Two-thirds of frontline staff surveyed reported that they 'definitely' or 'probably' needed some refresher training on PSOs. Slightly less than half of the Family Violence Coordinators also reported that refresher training was needed.

Case study and survey findings indicated that police rated their own and their colleagues' knowledge of issuing and serving PSOs highly while knowledge of procedural expectations surrounding breaches was rated very low. The low level of knowledge was attributed to a lack of exposure to breaches which meant that frontline officers and Non Commissioned Officers lacked familiarity with breach-related procedures.

Officers suggested that there is a risk of loss of procedural knowledge when they have little consistent involvement with issuing and serving PSOs. Some officers reported issuing PSOs sporadically and, as a consequence, grew unfamiliar with the approved procedure. In response, frontline officers and Non Commissioned Officers suggested the need for refresher training that focused on:

- protocol surrounding breaches (including file preparation). It was also suggested that officers would benefit from a step-by-step visual cue to guide future decision making
- whether it is appropriate to issue a PSO to someone on home detention or on bail as serving the PSO would result in removing that individual from a court ordered address
- clarity surrounding the lower age limit for when a PSO can be issued
- PSO process and procedures in general.

Overall reports from frontline officers surveyed indicated the training and information they had received had adequately prepared them to issue PSOs. Ninety-nine per cent reported they were 'prepared' or 'well-prepared' to understand the required authorisation process for PSOs, while 98 per cent were 'prepared' or 'well-prepared' to identify when and when not to issue a PSO and to carry out a PolFVIR risk assessment. High numbers also said that they felt able to recommend the appropriate duration for a PSO (97 per cent). One in ten officers reported they felt 'unprepared' or 'didn't know' how to make a referral to a support agency (11 per cent), or how to process a breach of a PSO (12 per cent). Slightly more were unsure about if they could issue a PSO if there was Protection Order in place (17 per cent). The area in which frontline officers felt least prepared, and where training could be improved was around knowing if they could issue a PSO to a person on home detention (just 46 per cent reported feeling 'prepared' or 'well prepared' in this circumstance).

2.3 Resources

In addition to the E-learning and group training exercise, PSO-related information was available to frontline officers in the form of:

- the NZ Police intranet
- the Family Violence Policy and Procedures manual
- electronic updates through the National Intelligence Application (NIA)
- emails with updated information to Non Commissioned Officers advising how officers might best deal with particular situations
- pamphlets designed specifically for protected and bound individuals.

In general, frontline officers were aware of all but the PSO pamphlets and they related relying heavily on their commanding officers and the Family Violence Unit for information.

Frontline survey respondents were asked how useful they found the PSO related information and support from additional sources. The percentages of those reporting them to be either 'useful' or 'very useful' are in brackets.

- other frontline officers (95 per cent)
- supervisor (90 per cent)
- Family Violence Policy and Procedures Manual (86 per cent)
- Family Violence Co-ordinator (85 per cent).

However, only half (51 per cent) of frontline survey respondents indicated that they had read the PSO section in the manual. More authorising officers had read the manual (n=162, 62 per cent) than issuing officers (n=164, 44 per cent). Eighty-six percent of survey respondents said the Family Violence Policy and Procedures manual as 'useful' or 'very useful'.

2.4 Processes

Family Violence Coordinators and Non Commissioned Officers were reported as playing critical roles in ensuring PSOs are issued in accordance within procedural guidelines with specific quality assurance oversight provided by the Family Violence Unit. Family Violence Incident Reports (PoIFVIR) are reviewed between Monday and Friday and any emerging issues are communicated to Non Commissioned Officers and the frontline officer in question.

The importance of supervisors in providing 'quality assurance' in the issuing/serving process was also a key finding in the PSO case study research (see Roguski, 2011).

Support agency knowledge and awareness

Each of the participating support agencies rated their knowledge of PSOs highly. They attributed this to a mixture of police initiated PSO awareness raising and the role of the Family Violence Interagency Response (FVIAR) team as a platform to continually raise PSO-related issues; and community agencies using their initiative by undertaking to learn about PSOs once the Domestic Violence Amendment Act legislation was passed in 2010.

Overall frontline officers had found the new processes associated with issuing and serving a PSO to be efficient.

2.5 Staff suggestions for improvements

Police interviewed for the case studies and those surveyed made suggestions in relation to further PSO-related learning, these included:

- utilise group training as a primary learning method
- future use of Te Puna may be best used during a dedicated training day
- future roll-outs could benefit from making attendance at and completion of training mandatory
- implementation of similar legislative changes may require data entry personnel to have training and mentorship around data entry requirements and processes
- review the need for refresher training for court staff, particularly in relation to processing of breaches of PSO

2.6 In Summary

Survey respondents and police interviewees reported high levels of participation in PSO-related training that they perceived had prepared them well to issue and serve PSOs. Both forms of training were found useful (Te Puna E-learning and classroom-based), but officers favoured the classroom-based style training.

Police made a number of suggestions for improvements around learning processes that included refresher training for both police and court staff.

There was a range of PSO-related information available to frontline officers that included the Family Violence Policy and Procedures Manual which was rated highly by officers. However, most frontline officers stated that they relied heavily on their commanding officers and the Family Violence Unit for support and information.

Frontline officers had, in general, found the new processes associated with issuing and serving a PSO to be efficient. Participating support agencies rated their knowledge of PSOs highly.

3 EXTENT OF USE OF PSOs

3.1 Introduction

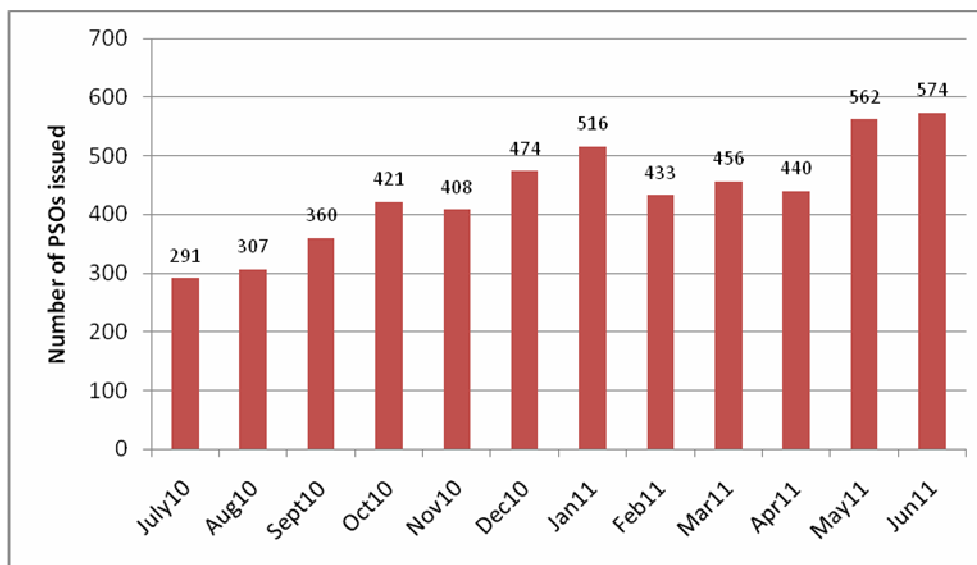
On 1 July 2010 PSOs were introduced as a new tool for police officers dealing with family violence incidents. **Objective 3** of the evaluation was to determine the extent of the use of PSOs in the first six months of their availability.

This section presents some key findings from the analysis of administrative data relating to PSOs provided by New Zealand Police and the Ministry of Justice for the first six months of implementation, that is, between 1 July and 31 December 2010. Some of this data has been updated through to 30 June 2011; where available this updated data has been included.

3.2 Number and characteristics of PSOs issued

In the first six months a total of 2263 PSOs were issued, with an average of 377 per month. Of these 98% were issued by Police and just 2% were issued on direction of the court. Data on the number of PSOs issued has since been updated to include the first 12 months of implementation. This updated data appears in Figure 3.1 below. A total of 5242 PSOs were issued from 1 July 2010 to 30 June 2011, at an average of 437 per month.

Figure 3.1 Number of PSOs being issued per month (1 July 2010 to 30 June 2011)



There has been a steady increase in PSOs issued over time, particularly during the first six months. This could be due to officers become more aware of, and familiar with, this new option, but may also reflect the normal seasonal cycle in family violence prevalence.

There were regional variations in the rate at which PSOs were issued. Eastern Police District issued the highest number of PSOs relative to the population in this district, with Auckland City and Tasman having issued relatively fewer PSOs per 10,000 population.

Of all PSOs issued in the first six months (n=2263), there were 83 cases (4%) recorded as 'Wanted for Service of PSO' (i.e. the intended bound person could not be located to serve the PSO); hence, 2180 PSOs were served from the total number issued (96%).

PSOs are just one type of response to family violence incidents, with other responses including arrest, warning, or referral to interagency response. The Family Violence Incidents Reports (PoIFVIR) are a good indicator of the total number of family violence incidents attended. Updated analysis by the Violence Reduction Unit found in the first six months of implementation, that one PSO has been issued for every 20 PoIFVIR reports completed.

PSOs are being issued fairly regularly across all seven days of the week, but with Saturday and Sunday being the most common days (17% of all PSOs issued on either day). The most frequent time of day when PSOs were issued was between 8pm and 11pm.

The majority of persons at risk were female (86%). Forty-two percent were Māori, 40 per cent European, nine percent Pacific and two per cent Asian. The most common age group was the same as that of the bound persons, 21 to 30 years (33% of all persons at risk). In three per cent of cases (n=76) the primary person at risk was recorded as a child (16 years or under). In 57% of cases (n=1228) there was one or more dependent child (0-16 years) living with the victim/person at risk.

The majority of bound persons were male (89%). Forty-four percent were Māori, 36% European, 11 per cent Pacific and two per cent Asian. The most common age group was 21 to 30 years (33% of all bound persons). The Domestic Violence Amendment Act 2009 (s125d) indicates that a bound person must not be a child (i.e., 16 years or under), yet there were five bound persons recorded as being 16 years of age or under.⁶

According to relationship details recorded in the PoIFVIR most PSOs were issued in cases where the bound and protected persons were either married or in an intimate relationship (71%). There were only eight per cent of cases where the relationship was of a parent and a child⁷ and six per cent involving another family member.

Table 3.1 shows who the family violence incident was reported by and what initial support was provided to the person at risk. Most incidents were reported by the person at risk; this trend was also found for incidents in which bound individuals and persons at risk interviewed for the case studies were involved.

⁶ Two cases related to sibling conflict, another two were in a defacto relationship and one was a case of a child and a step parent. In several of these cases police notes stated that the bound person was taken to the home of a family member or friend.

⁷ There was no information to delineate which were bound persons or persons at risk.

Table 3.1 Initial report of family violence

	n	%
Reported by		
Victim	1254	59%
Family member	278	13%
Neighbour	222	10%
Other (unspecified)	373	18%
Missing information	1	0.05%
Total	2128	100%
Initial support provided to victim by		
Family/friends	806	38%
Women's Refuge	287	13%
Victim Support	217	10%
Other agency	116	5%
Other unspecified	196	9%
None	505	24%
Missing	1	0.05%
Total	2128	100%

Table note: Of the 2215 records, n=87 appeared to be blank records with no descriptive information in relevant fields other than the Occurrence ID and district. The analysis that follows has been undertaken on the 2128 non blank records.

3.3 Intervention outcomes associated with PSOs

Another piece of information from the FVIR supplied for analysis related to any intervention outcome recorded. This is of interest as the PSO is seen as creating an opportunity to provide referrals and interventions in cases of family violence. However, this data should be treated as indicative only, as the field where this information is recorded is not mandatory and it is unclear if the field is updated if there are subsequent referrals after the initial FVIR is completed.

Of the 2215 PolFVIR associated with the PSOs, n=915 had intervention outcomes recorded against them, leaving n=1300 with no intervention outcome noted (59 per cent). Of the 915 cases with interventions, 268 individual occurrences had multiple intervention outcomes recorded against them, with a total of 1226 interventions noted. There were 229 PSOs that had two interventions noted, 35 PSOs had three intervention outcomes, and four PSOs had four different intervention outcomes noted. It is likely these relate to intervention outcomes for different members of the household residing with the victim.

Only two per cent were recorded as having no further action, but it is unknown how many of the n=1300 (59 per cent of all occurrences) with no intervention recorded were incomplete or also indicated no further action had been taken.

3.4 PSOs in the context of other family violence data

Figure 5.2 plots the number of PSOs issued in the last six months of 2010 against the number of Final Protection Orders Issued by the Family Court for 2009 and 2010.

It is unknown at this stage the extent to which issuing a PSO influences the number of Protection Orders applied for and later issued. In future outcome evaluations it will be interesting to examine this relationship in more detail in order to understand whether PSOs provide the opportunity and support for a person at risk to apply for a Protection Order.

Figure 3.2 PSOs Issued and Final Protection Orders Issued (Family Court)

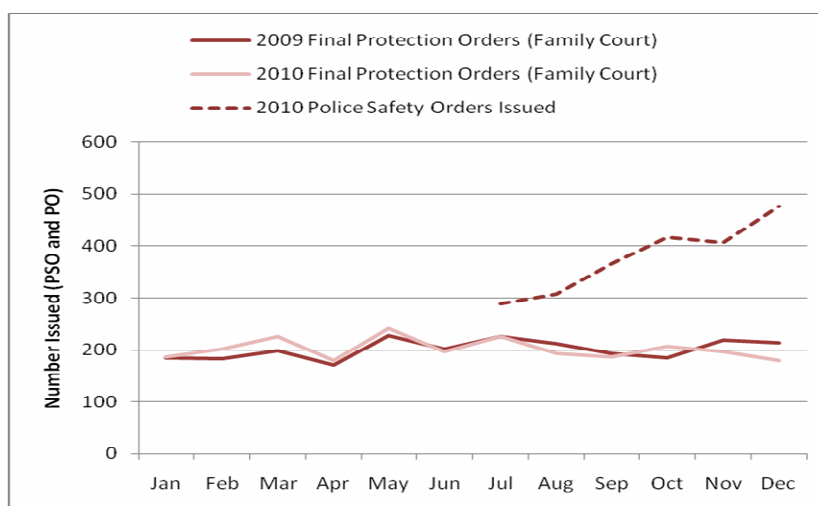


Figure notes: Data on Final Protection Orders issued through the Family Court were supplied by Ministry Justice 22/3/2011. These include Protection Orders issued to respondents on notice, and also Temporary Protection Orders issued with-out notice three months earlier that unless successfully defended by the respondent, have now transitioned to become Final Protection Orders.

3.5 Breaches and court outcomes

During the first six months of implementation, a total of 158 breaches of PSOs were recorded. A further 201 have since been recorded for the period 1 January 2011 to 30 June 2011.

In the first six months, the rate of breaches to PSOs issued ranged across districts from one to ten per cent. A total 126 of these were brought before the court between 1 July 2010 and 31 December 2010 (80 per cent of those recorded by New Zealand Police). This has since increased to 298 as of 30 June 2011.

Updated data provided by the Ministry of Justice indicated that from 1 July 2010 to 30 June 2011, 284 breaches (95 per cent) resulted from an arrest of the defendant by a police officer, whereas five per cent (n=14) arrived at court following a court summons.

Table 3.2 shows the outcomes of court hearings. A Temporary Protection Order was issued in 12 per cent of cases, and a new PSO issued in 44 per cent of cases. However, in 44 per cent of breaches the case was discharged.

Table 3.2 Final outcome from court hearings for a breach of PSO (1 July 2010 to 30 June 2011; n=293)

	n	%
Temporary Protection Order	36	12%
New Police Safety Order	116	40%
Discharged	129	44%
Total	122 ¹	100

Table note: Four complaints for breach of PSOs were awaiting outcomes, and one outcome had status 'unknown'

A concern of frontline officers highlighted in the case studies and the on-line survey was the apparent lack of penalty that resulted from many breaches of a PSO.

A letter was sent to the Chief District Court Judge to obtain the views of the judiciary on PSOs. They commented on the apparent low number of Temporary Protection Orders issued. It was pointed out that a person at risk 'must not object' for a Temporary Protection Order to be issued, and if they do not object it is likely they may have already applied for one through the Family Court. For the persons at risk who would object to a Temporary Protection Order, a more likely outcome would be to issue a new PSO.

In relation to the high number of breaches that resulted in a discharge (44 per cent) the response from the Judiciary was that they assumed no request for the PSO to be extended had been made (or it had been superseded by a Temporary Protection Order already applied for). It appeared judges sought guidance from the prosecution on the outcome.⁸

3.6 In summary

A total of 5242 PSOs were issued in the first 12 months of implementation – that is, from 1 July 2010 to 30 June 2011. There has been a steady increase in PSOs issued over time, particularly during the first six months.

As found in other jurisdictions, there were regional variations in the rate at which PSOs were issued. Eastern Police District issued the highest number of PSOs relative to the population in this district, with Auckland City and Tasman having issued relatively fewer PSOs per 10,000 population.

PSOs are being issued fairly regularly across all seven days of the week, however, Saturday and Sunday are the most common days (17 per cent of all PSOs issued on either day). The most frequent time of day when PSOs were issued was between 8pm and 11pm.

⁸ S124N states that the decision to direct that another order be issued or to issue (without application from any person) a Temporary Protection order is court directed.

The majority of persons at risk were female (86 per cent). Forty-two percent were Māori and 40 per cent European. In 57 per cent of cases (n=1228) there was one or more dependent child (0-16 years) living with the victim/person at risk. Most PSOs were issued in cases where the bound and protected persons were either married or in an intimate relationship (71 per cent).

During the first six months of implementation, a total of 158 breaches of PSOs were recorded. A further 201 have since been recorded for the period 1 January 2011 to 30 June 2011. A Temporary Protection Order (TPO) was issued in a total of 12 per cent of cases, and a new PSO issued in 44 per cent of cases. However, in 44 per cent of all breaches the case was discharged.

In relation to the high number of breaches that resulted in a discharge, response from the Judiciary was that they assumed no request for it to be extended had been made (or it had been superseded by a Temporary Protection Order already applied for). It appeared the outcome was guided by the prosecution. A concern of frontline officers highlighted in the case studies and the on-line survey was the apparent lack of penalty that resulted from a breach of a PSO. It appears that different expectations exist.

It is unknown at this stage the extent to which issuing a PSO influences the number of Protection Orders applied for and later issued. In future outcome evaluations it will be interesting to examine this relationship in more detail in order to understand whether PSOs provide the opportunity and support for a person at risk to apply for a Protection Order.

4 PSOs BEING ISSUED AND SERVED AS INTENDED

4.1 Introduction

This section reviews the process followed by officers in issuing a PSO with the aim of addressing **Objective 4** of the evaluation which was to determine whether PSOs are being issued and served as intended. An important aspect to assessing this is whether frontline officers are making appropriate decisions around when to issue a PSO.

The discussion has been structured according to key requirements of the PSO-related process which state an officer must:

- complete a risk assessment
- obtain authorisation to issue a PSO
- decide upon duration of the order
- provide information to bound individuals and the person(s) at risk
- make a timely referral to a local support agency
- ensure the bound person leaves.

4.2 Complete a risk assessment

According to the Family Violence Policy and Procedures manual (version 12, p. 38) decisions to issue a PSO must rely on completion of the risk assessment tools contained in the Family Violence Investigation Report (PoFVIR) (for further information on these see 'Cross case study' report, Roguski, 2011 and 'On-line survey' report, Mossman, 2011b). However, the on-line survey found just under half (46 per cent) of frontline officers surveyed reported the risk assessment was most commonly carried out after the PSO had been issued, at the station before the end of the shift and after the PSO had been served.

Rather than carrying out the PoFVIR detailed risk assessment, officers across the three case study sites stressed relying on their own professional skill and judgement of risk. Consequently, decisions were reported to have been made based on the officer's previous exposure and knowledge of the risk assessment and the perceived threat to the person at risk.

On-line survey results were similar. The most common factor considered when deciding whether to issue a PSO was if violence was likely to occur, continue or escalate and the impact of this on the safety of those involved, particularly the person at risk. This is consistent with the primary aim and conditions of issue for a PSO. Other frequently mentioned factors were weighing up the potential benefits, impact and need for the PSO, together with the hardship it might cause. The previous history of those involved was also a common factor considered.

Further, because of time constraints, officers participating in the case studies related that it was more common to complete the PolFVIR at the station.⁹

Other factors impacting on the decision to issue PSOs

PSO performance related pressures

In Gisborne, some concern was raised that the decision to issue a PSO may be influenced by pressure placed on officers to increase the number of orders issued and served.

We were told at one stage that we weren't issuing enough and I think that's quite dangerous. I think that should be a case-by-case rather than a general comment being put out from [senior officers] saying, "You are not issuing enough PSOs. Napier and Hastings are issuing more than you," I think there should be more analysis done before a comment like that's made. So it's quite dangerous. I think they should be looking at each PSO individually, "Well okay, there should have been one issued here, it shouldn't have been issued here." Because I think all that causes is a cover your arse mentality of issuing them willy-nilly (NCO, Gisborne)

Net widening in relation to PSOs

There was some evidence that PSOs were being issued to other than those for whom the policy was intended. This was where there was not a real concern for the safety of the 'person at risk' and at the other extreme in situations in which it appeared an arrest might have been more appropriate. For example, the FVIR analysis indicated that violence had been used in 28% of cases and there was physical injury in 11% (see Mossman, 2011a).

Some officers indicated that they had issued PSOs in low risk situations to avoid any negative ramifications in the event of the situation escalating.

I think there have been times where PSOs have been served because they've been used to cover our butt so to speak, in cases when in actual fact the risk assessment flags have been pretty low, but you are worried that if things get out of hand it will reflect badly on you as an officer (NCO, Gisborne)

Similarly, in Henderson the need for clarity was especially raised where there is no concern for either party's safety and no significant risk has been assessed.

I think on the Pol400, they [officers] go off the score of the person and sometimes that can be quite a low score. You feel like a PSO is valid, there might be no violence but you don't want him to come back. Whereas the scores, say like three, they think, "Oh well, I don't have a high enough score so ... clarification around that would probably be a good idea". If the score's low can we still, you know, issue one? (NCO, Henderson)

Interviews with persons at risk and bound individuals supported comments made that PSOs might be issued outside of a concern for an individual's safety or in situations

⁹ Despite not all PSOs having a FVIR risk assessment carried out prior to being issued, the administrative review found that there was a complete PolFVIR attached to each PSO issued in the first six months of the initiative (see Mossman, 2011a).

where there is little risk of escalation (see Kingi and Roguski, 2011). Most persons at risk who were interviewed generally viewed the police as adjudicators in a conflict situation and although some had not anticipated that the person they had been arguing with would be removed from the abode, others had expected this to happen.

*A lot of times we [participant and male partner] call the police to diffuse the situation
(Person at risk, female)*

Two bound individuals reported that they felt that the PSO was inappropriately issued. An example was given of a male who was served with a PSO after a public argument with his ex-partner (who he no longer lived with).

Given police, support agency, person at risk and bound individual perspectives, concern exists over the appropriateness of issuing PSOs in low level risk situations that may not warrant removing someone from their abode for a fixed period of time. Concerns were raised by two of the participating support agencies: that the threshold for issuing PSOs may be too low.

I'm not too sure if the police really understand when they should or shouldn't issue a PSO. There's quite a large amount of PSOs being issued and when we assess the report itself, and the reason behind the PSO being issued, it's invalid a lot of the time [sometimes] we're wondering if there's enough evidence to support the PSO. There was one a couple of weeks ago. I think that was for both ... were both parties drunk? Just a verbal argument and I think the outcome was the female wanted the male to leave the property. They requested that the police take the male to another address and that's actually a commonality. It's a common theme eh, with the issuing of the PSOs. It was just an argument that wasn't escalating into something. And the female didn't have any concerns for her safety, which was actually written in the report if I remember (Support agency, Gisborne)

Support agencies in two case study sites (see Roguski, 2011d) strongly suggested clearer guidelines are required around issuing PSOs. Although this finding was restricted to two sites it is indicative of a need to monitor processes that have significance in terms of the general implementation of PSOs.

Inappropriate issuing of PSOs

The administrative data review report (Mossman, 2011a) noted that five PSOs had been issued to bound individuals who were under the age of 16. Clearly from a legal and procedural standpoint this was inappropriate and in contravention of the legislation.

4.3 Obtain authorisation

All frontline officers reported obtaining authorisation prior to issuing a PSO. Authorisation either occurred (a) at the scene via a telephone call to the Non Commissioned Officer or directly from the Non Commissioned Officer should they be present, or (b) at the station. All Non Commissioned Officers regarded authorisation as an integral component of the decision-making process as guidance was necessary around whether or not a PSO should be issued or an arrest made.

The case studies identified some confusion over whether officers are required to gain authorisation to detain a person with the intent to serve before returning to the station.

4.4 Decide upon the appropriate duration

Each of the police participants in the case studies stated that the duration of PSOs is determined by a combination of the time required for the person at risk to obtain a protection order and/or providing the bound individual with a “cooling off” period. In all accounts, PSOs were issued for longer periods when police intervention occurred on a Friday, the weekend or public holiday. This was supported by findings from the review of administrative data which noted that there was some evidence that PSOs are slightly more likely to be served for five days if issued on either a Thursday or Friday compared with other days of the week (see Mossman, 2011). Of note, some reluctance was identified in issuing a PSO for anything longer than four days and five days was regarded as “extreme”.

4.5 Provide information to bound people and persons at risk

Verbal explanation of PSO

All officers who participated in the case studies stated that the effects and consequences of breaching a PSO are explained to the person at risk and the bound individual. In addition, a copy of the PSO is provided to both parties. However, it was noted in the case studies that there was sometimes confusion around the purpose of the PSO and that more information was needed to prevent misunderstandings.

Probably just for them to explain it a bit better to people so they understand because some women might not, might think it's probably exactly the same as a protection order or something (Person at risk, female)

PSO pamphlet

Police participants generally agreed that it would be rare for either bound individuals or persons at risk to receive a police-distributed PSO pamphlet. Reasons cited for not distributing PSO pamphlets included:

- a lack of awareness about the pamphlets' existence
- officers not having been directed to carry and distribute pamphlets
- a preference for verbal explanations
- pamphlet distribution places an additional burden on officers
- past experience has shown officers that people in a state of crisis or anger have little regard for a pamphlet.

Information on available services

Persons at risk and bound people can be put in touch with on available services by police providing information to them. Frontline officers surveyed were asked how

frequently this occurred. Responses from those reporting that this 'usually' or 'always' happened appear below:

- information on support services is provided to the person at risk by police (78 per cent, n=463)
- information on support services is provided to the bound person by police (34 per cent, n=201).

Clearly it is more likely that the person at risk, rather than the bound person, will receive information on support agencies. The interviews with bound individuals and persons at risk supported this in that seven out of the eight persons at risk said that they had been offered support by a community based agency as a result of the PSO being served (Kingi and Roguski, 2011). Those who were offered support by Women's Refuge appreciated this and those who accessed what was available said how helpful this had been.

Big time support, yep. (Refuge) phoned, they knew about the situation, they were so, so supportive. They offered to you know house me, to give me furniture, anything I needed. They wrote a letter for WINZ for me. They listened and offered counselling, food (Person at risk, female)

English as a second language

Difficulties in providing information to people who did not speak English or for whom English was a second language were noted in the Henderson and Lower Hutt case studies.

In addition, support agencies, in Lower Hutt and Gisborne, were concerned about the confusion experienced by bound individuals and persons at risk and drew attention to many of their clients having assumed that a PSO is equivalent to a protection order (see Roguski, 2011a and 2011b). Agencies, in the main, were not aware of the PSO pamphlets and had either developed their own resources or had relied on verbal explanations. They also stressed that other resources may be required as it cannot be assumed that the bound or person at risk have an adequate degree of literacy to comprehend the information in the brochure, nor can it be assumed that clients speak and/or read English.

4.6 Make a timely referral

The Family Violence Policy and Procedure guidelines note that one immediate effect of a Police Safety Order is to:

Provide a cooling down period where the person at risk has time and space to seek support and assistance, including applying for a temporary protection order if desired (version 12, p. 37)

The guidelines also indicate that the referral process should follow agreed procedures and that the police must:

Provide victims of family violence with appropriate and timely support and information about services and remedies ... the Police response will vary depending on resources available in each area and local agreements will reflect this (version 12, p. 37)

Each case study site described the referral process as three discrete phases:

- (i) Officers' appropriate completion of PolFVIR and PolPSO and adherence to referral criteria and requirements** – In Gisborne and Henderson, officers demonstrated a clear understanding of expectations surrounding the referral process which relied on the officer completing the PolFVIR and then leaving these with the Family Violence Unit for their review. In contrast, officers in Lower Hutt were unclear about referral processes and this manifested in different, and often erroneous, approaches to making referrals (see Cross Case Study, Roguski, 2011d).
- (ii) Family Violence Unit review of PolFVIR and corresponding PSO** - In each area, the Family Violence Unit reviewed PolFVIRs between Monday and Friday. In all sites, the majority of the family violence incidents are followed-up by Women's Refuge. However, if another agency is identified as more appropriate the PolFVIR is referred to that agency.
- (iii) Interagency collaboration and coordination** - all Gisborne PolFVIRs are reviewed at a weekly FVIAR meeting while Henderson's incidents are reviewed twice weekly and Lower Hutt's at the FVIAR team once a week. Lower Hutt FVIAR meetings review cases that occurred during the previous fortnight. This was raised as a significant issue as the timeframe within which the FVIAR operates poses the risk that a referral agency may not receive a PSO referral through this process before the PSO expires.

On-line survey respondents were asked to report the most common way referral information was reported to support agencies. For Family Violence Coordinators this was through the FVIARS meeting (46 per cent), while frontline staff relied on the Family Violence Coordinator (47 per cent). For frontline staff, a less frequent method was where the person issuing the PSO phoned the support agency directly (26 per cent), or for a referral to be faxed through from the station (21 per cent).

Table 4.1 How referral information is given to support agencies

	Frontline survey participants (n=640)		FVC survey participants (n=23)	
	n	%	n	%
The Family Violence Co-ordinator provides appropriate information when they receive the PSO/PolFVIR file	302	47%	8	31%
The information is provided at the FVIARS meeting ¹	n/a	n/a	12	46%
Person issuing the PSO phones the Support Agency	167	26%	-	-
Person issuing the PSO faxes a referral through to the Support Agency	132	21%	2	8%
No response	38	6%	3	12%
Other (0.2%, n=1, one officers said referrals were made by Comms)	1	0.2%	1	4%

Table notes: ¹ This option was only given to Family Violence Coordinators

Despite the general successful functioning of each phase, a number of systemic barriers were identified that preclude the current system working efficiently and which create considerable delays in support agencies being able to engage with the person at risk before the PSO has lapsed. These are discussed further in section seven under barriers to effective use of PSOs.

4.7 Ensuring the bound person leaves

The case study research identified two mechanisms that were used to ensure bound individuals left the address from which they were excluded. Of note, the degree to which each mechanism manifested differed by area.

Detaining bound individuals at the station with the intent to serve a PSO, was reported as empowering officers to use the allocated two hour detainment period productively. In practice, this provided sufficient time to carry out a review of criminal and violent offending history, complete the PolFVIR risk assessment and provide bound individuals with a “cooling down” period. However, this detainment also ensured that the bound person was extricated from their abode.

Assistance to source temporary accommodation for the bound person, if this was required, was also seen to be an effective way of ensuring that they left the address and did not return. The PSO case study research found that ensuring a bound person has a temporary place to reside can reduce the chance of breaches (Roguski, 2011).

Frontline officers surveyed were asked how often they assisted the bound person to find alternative accommodation. Sixty-one per cent of respondents said that all practicable steps were taken to ensure that temporary accommodation was available to the bound person. However, one in ten respondents reported this ‘never’ or ‘rarely’ occurred. Gisborne was the only case study area that stressed the importance of accommodation for bound individuals. In Henderson and Lower Hutt few officers were aware of policy guidelines which state that, “all practicable steps should be taken to ensure that support and a temporary place to reside is available to the bound person” (Family Violence Policy and Procedures, version 12, p. 39). As such, there may be an opportunity to review protocols surrounding support provided to bound individuals.

4.8 In summary

Overall, frontline officers who took part in the case studies and the on-line survey were adhering to the protocols outlined in the Family Violence Policy and Procedures Manual when deciding whether to issue a PSO. However, not all officers carried out a PolFVIR risk assessment prior to issuing a PSO. Most persons at risk were receiving information on support agencies, but processes may need to be reviewed to ensure this is received in a timely fashion. Bound persons were less likely to receive support or assistance.

Case study participants made the following suggestions in relation to issuing and serving PSOs.

There is a need to clarify:

- PSO issuing guidelines; especially in situations where there is a low risk assessment score and no reported risk to either party
- best practice in relation to serving at the station versus at the address
- whether authorisation is required to detain with the intent to serve
- the degree and form of support officers are expected to give to bound individuals
- whether ensuring a bound individual has accommodation encourages a bound individual to refrain from returning to an excluded address.

5 BARRIERS AND WHAT WORKS WELL

5.1 Introduction

An important objective of the formative evaluation was to assess the efficiency of PSO processes and identify any difficulties or barriers to the effective use of PSOs and what worked well in their implementation. Thus Objective 5 of the evaluation was to identify aspects of process and practice that are perceived to work well and barriers to the effective use of PSOs.

This section presents a summary of the research findings in relation to Objective five.

5.2 Barriers to the effective use of PSOs

The following are barriers to the effective use of PSOs noted by case study participants, and those who participated in the on-line survey.

FVU operating hours

Because Family Violence Units are generally staffed only five days a week, Monday to Friday, there is a risk that frontline officers who rely on the Unit to make non-urgent referrals may have to wait until Monday morning at the earliest. Such delays may negatively impact on the person at risk accessing community-based support.

Lack of resources to follow-up breaches

Due to insufficient resourcing no mechanism exists for the police to determine whether a breach to a PSO has occurred. Because notification of a breach generally relies on persons at risk informing the police, there is a strong likelihood that known incidents of breaches are underreported. Processes that were experienced as least efficient by frontline officers responding to the survey related to responding to breaches and the data entry for breaches (just 59 per cent and 56 per cent finding these processes efficient). Of note were a large proportion of respondents who either did not respond or reported 'don't know' in relation to these two processes (23 per cent and 31 per cent respectively). This supports the finding in the case study research that officers found it difficult to remember the correct processes for breaching, when they were responding to these so infrequently (Roguski, 2011)

Some concern was raised that continued non-identification of breaches may result in the general public failing to take PSOs seriously as these will not be perceived to carry significant consequences.

If there aren't enough breaches [identified and processed] then the offenders won't take them seriously so there's potential disadvantage because it will become just a bit of a joke if they're not followed up (Frontline officer, Henderson)

Lack of knowledge around breaches

The lack of knowledge on breaches of PSOs by court staff was the next most commonly identified barrier by survey respondents, also lack of police knowledge. . Again, these findings are supported by the case study research.

Maximum duration of PSO

The case studies noted that some police and support agencies raised concerns that the maximum PSO period of five days does not provide sufficient time for the person at risk to access support. Specifically, there is an inadequate amount of time for the person at risk to both obtain a protection order and arrange appointments and support through Work and Income and Housing New Zealand to secure financial independence and accommodation. Interviews with persons at risk supported this.

I think they need to be longer, I think they need to explain to you why that time period is given and offer you the support in that short timeframe when that person's gone. Probably give the person a bit more time to realise that that's what they can do. And so you know as I said take [bound person] away and speak to [him/her] somewhere else. And then explain to me what rights I have (Person at risk, female)

The review of administrative data review provided some evidence that PSOs are slightly more likely to be served for five days if issued on either a Thursday or Friday compared with other days of the week.

Providing support to persons at risk and bound person

The lack of resources available to support agencies was considered a barrier to providing support and services to persons at risk and bound people. Thirty-eight per cent of frontline officers and 50 per cent of Family Violence Coordinators surveyed cited the lack of resources available to support agencies in order for them to be able to provide persons at risk and /or bound persons with the support and services they need as a barrier.

Linking the bound person with support services was seen as the most challenging aspect to the successful implementation of PSO. This was also commented on by persons at risk interviewed.

Men mightn't have anywhere to go. I wonder why that is that we have a Women's Refuge but we don't have a refuge for men (Person at risk, female)

The Gisborne case study (see Roguski, 2011b) strongly indicated that the provision of community-based accommodation for bound individuals might act to dissuade bound individuals returning to an excluded address. Given the reported success of the community-based supportive accommodation available in Gisborne, the continued implementation of PSOs might benefit from similar arrangements in other locations.

Persons at risk commented that although they invariably received support, this was sometimes not forthcoming until the PSO had expired. None of the persons at risk interviewed said that the Police offered support or contacted a support agency before they left.

[You] don't get no support. Sort of leaves you feeling helpless after they've gone and you feel like you just want to cry but you need time to sort yourself out and you just, you need time to cry and let it out but no one's here to help you with the kids. The kids are just as scared as you wondering what's going on and you really need time, you need someone around (Person at risk, female)

Resource-related issues

Officers interviewed for the case studies noted the lack of resources available to them for communicating with a non-English speaking bound or person at risk. While officers noted that PSO-related material is only written in English they suggested that interview rooms should have speaker phones installed to ease communication between police and the non-English speaking individuals and Language Line (a translation service).

Next, officers in Henderson drew attention to a dearth of PSO books/forms which had meant that orders needed to be served at the station because this was where the forms could be accessed. While the PSO Safety Order Form (PoIPSO) form was generally viewed as straight forward to complete, it was suggested that it be amended to allow the names of multiple protected people to be documented.

The form is restrictive. The first one that I ever did there was like five protected people but there's only room for one on the form. So it was, you know, trying to squeeze them all into that one box and I wanted them all on there because if he breached one of these conditions against anyone of those people... he could say well they weren't on the form (NCO, Lower Hutt)

5.3 Aspects working well

Overall, police interviewed and surveyed felt that a number of aspects of PSOs worked well, these included:

Additional tool

Officers surveyed commented on the positive value of having a new tool and another option to consider when attending family violence incidents. Two Family Violence Coordinators (eight per cent) and the case studies also noted this.

PSOs were regarded as an additional “tool” which enabled the removal of an individual from a conflict situation in an effort to stop the possible escalation of violence.

It gives you a tool to deal with the situation where while there's not enough to arrest anybody something needs to be done to deal with what you feel is a risk (Frontline officer, Henderson)

Power to detain

The power to detain was regarded by case study participants as an effective aspect of the PSO legislation as a two hour detainment provided sufficient time to remove the individual from the abode (or situation) and carry out a criminal history check.

Authorising officer

The quality assurance role provided by the authorising officer, the instant issuance and the ability to detain were regarded as key factors underpinning the success of the PSO legislation.

Administrative processes

Administrative processes surrounding the issuing and serving of PSOs were regarded as simple and easily navigated by survey participants and police interviewed for case studies. This was especially stressed in relation to the simplicity of the PolPSO form and the ease associated with calling the Crime Reporting Line (CRL). Sixty-eight per cent of survey respondents also said that the process for obtaining authorisation worked well.

However, the combination of a PolFVIR and the PolPSO were viewed as taking an unnecessary amount of time to complete for domestic incidents where there is no evidence of an assault or threat to life. Police across the three case study sites asked for a more efficient, less time intensive documentation process.

It is impracticable to do the Pol400 at the scene. You always deal with the 'offender' then issue the PSO etc and the Pol400 comes later when time allows. (On-line survey participant)

Time to think

When the PSO was regarded as having been appropriately issued (see Roguski, 2011), support agencies related that these orders provided persons at risk with an opportunity to review whether they wanted to continue in their relationship and time to access services and receive wrap around support.

For persons at risk, I suppose they are given space and time to think. Having an agency call in, such as us, and giving them the options, choices. And also within that you're talking about the relationship. (Support agency, Gisborne)

This finding was supported by the on-line survey and the case studies.

Well they did make a difference, because they do make it better because you need time away, the man or the woman needs time away to think about things. I needed time to think about my kids (Person at risk, female)

Implementation of PSOs

Family Violence Coordinators experienced the implementation of PSOs as efficient, particularly integrating them within established inter-agency processes and linking persons at risk with support agencies. PSOs were regarded as effective because they removed the burden on the victim to make a complaint. As such, any fear of reprisal, being seen to condone police action, is avoided.

5.4 In summary

There were several aspects of PSOs that were seen to be working well, these included:

- providing police with another 'tool'/option when attending family violence incidents
- providing police with the ability to diffuse the situation by being able to remove an individual from the premises and detain 'her/him' for two hours

- simple and easily navigated administrative processes surrounding the issuing and serving of PSOs
- removing the onus from victims to make a complaint and giving them time to consider their options

Participants made the following suggestions in relation to removing barriers to PSOs' effective use. There is a need to review:

- the PolFVIR and consider an amended version to reduce administrative burden, particularly in cases of low risk disputes
- the appropriateness of installing speaker phones in interview rooms to enable communication with the Language Line
- file preparation requirements for breaches going to court
- ways to reduce weekend-related time delays communicating referrals to support agencies
- processes for following-up PSOs to determine whether breaches have occurred
- ways in which court personnel might best receive PSO refresher training
- the PolPSO and determine whether there is a need to include fields for all persons at risk to be specified.

6 PROGRESS TOWARDS INTENDED OUTCOMES

6.1 Introduction

Objective 7 of the evaluation was to identify participants' perceptions of progress towards intended outcomes. While it is acknowledged that the implementation is still in its formative stages some distinct qualitative impacts were noted by participants in both the case studies and the on-line police survey. These issues are discussed in this section.

6.2 Perceived benefits of serving PSOs

The following are the perceived benefits of PSOs most frequently mentioned by those interviewed for the case studies and those who responded to the on-line survey.

Increased safety

In many cases, support agencies and the police agreed that PSOs have successfully resulted in the increased safety of people at risk as the PSO provides a mechanism to stop the possible escalation of violence through police empowerment to remove the offender from the premises. This was reinforced by the views of persons at risk interviewed (Kingi and Roguski, 2011).

Yes the police officer explained to me what it was. That they're going to give him a police safety order that he can't come back here for a period of time. They asked me how long I felt it should be for, I said about three or four days, so they put down four days. [Police officer] discussed it with me. I was happy with that. They actually did really well (Person at risk, female)

I wasn't ... in danger. But if I was it would have made me feel safe, I knew he wasn't going to come around, I knew he wouldn't breach that safety order (Person at risk, female)

When you have a Police Safety Order it gives you that time to cool down, calm down, get yourself together and then if we're going to get back together you can because you're not breaking the law (Person at risk, female)

Interviews with protected persons and bound individuals indicated that these situations were particularly stressful for children, with differing results.

We were drinking; it's sort of a blur. And usually it's him saying stuff and I get angry but I calmed down and he got angry and started yelling and breaking his stuff. The kids [15 and 16 years old] got scared [and phoned the Police] (Person at risk, female)

Oh they freaked out because they know what will happen, you know they hate it when the police come and take me away. You know they're always swearing and grabbing like sticks and that to hit the Policeman (Bound individual, male)

The ability to take action

The most common positive outcome noted by frontline officers was that PSOs enabled police to take action in a situation where previously they could not (e.g. where there was insufficient evidence for arrest; when parties were unwilling to co-operate).

The police reported that the orders were most effective in situations where they would traditionally not have the legal right to remove someone from an abode. This was most commonly cited in relation to incidents when there was sufficient indication of risk but no complaint.

It's that situation where you were stuck before, and this is why they came about I guess; where you're standing there going, "Oh, I've got no legal ability to do anything here". Before we had PSOs it was like, "I can't drag this person away, I can't get into a fight with this person because they haven't actually done anything wrong apart from having an argument that we know is going to go bad". And now we can just go, "Right if we don't find a resolution we're going to issue this order". We've actually got, you know, we've got the final outcome, or we control the outcome (NCO, Lower Hutt)

A minority of frontline officers (n=21) surveyed also agreed that PSOs enabled police to take action in a situation where previously they could not.

I can leave the scene knowing I have done something to keep someone safe - everything in my power. Don't just have to hope for the best. (On-line survey participant)

Fewer calls for service

The time saved by fewer repeat calls for service to an address once a PSO had been issued was viewed as a positive outcome by case study police informants and a few officers (n=5) surveyed. Three Family Violence Coordinators also referred to this being positive. This is a good outcome providing the reason for issuing the PSO was related to concerns over safety, as illustrated in the quote below:

It's [the PSO] definitely had an impact on stopping the escalation of what probably would have been a violent situation and it's had an impact on not having to return to the same address a number of times on the same shift. In the past you'd go to a domestic and you would try to resolve it. You couldn't. You'd take someone to their mate's place and an hour later you're back there because he's come back. I definitely think PSOs have had an impact on that. In the majority of cases where we're issuing the order we don't have to go back (NCO, Lower Hutt)

Access to support

Several frontline officers (n=16) referred to the support for persons at risk that was put in place following the PSO: with several examples given of a person at risk going on to get a Protection Order issued. Five Family Violence Coordinators echoed this.

Further, the police (including those surveyed) and women-centred agencies who participated in the case studies strongly believed that the issuance of the orders provided persons at risk with an opportunity to gain support and reduce stressors associated with having to seek alternative safe accommodation as the person at risk was able to remain in the home.

The PSO gives us the opportunity to perhaps give the victim or him [the bound person] support, a bit of a hand, because normally often they don't; they're too scared to ask for help or don't want to talk about what happened. So we just, we do it for them so at least it gives them a breather for a couple of days (NCO, Gisborne)

Giving the woman a breather and being able to stay in her home and not upset her and the children by having to come into the safe house (Women-centred support agency, Lower Hutt)

Protected persons commented on the nature of support they received and the lack of support for bound persons.

Yeah, yeah it was within about a week. But yeah Women's Refuge rang. I laughed and me and my kids are alright we are safe. But they were good. I was sort of glad that I didn't need their help at the time but I felt sorry for the women that do have to leave their homes with their children (Person at risk, female)

However, support was not always timely.

Oh it was awful, I felt so unsafe and so just deep down mentally. Yeah it was funny actually because the help obviously doesn't come until it's all sort of over (Person at risk, female)

Removing the onus from the person at risk

In a sense, because the police are empowered to issue an order without the individual's consent any fear that the person at risk may have of reprisal, (ie being seen as condoning a police action), is avoided.

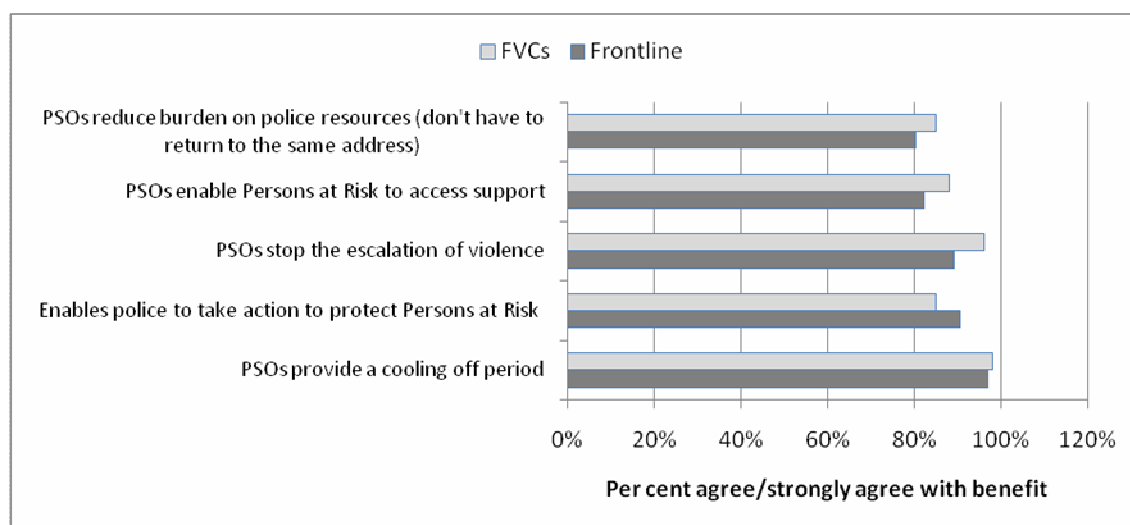
They are really good because the police issue them and it takes the onus off the victim to have to say, "I want him removed". So it doesn't come back on her again. So the police really drive that home, that "We are removing you from the house for X amount of days" (Family Safety Team representative)

Frontline officers (in both the on-line survey and the case studies) noted that removing the onus from the person at risk was another perceived positive outcome of PSOs.

We don't need the consent of the person at risk - which leaves the person at risk out of the firing line but gives them time to breathe."

6.3 Overall ratings of positive outcomes

Frontline officers and Family Violence Coordinators surveyed were asked the extent to which they agreed that five potential outcomes were benefits of PSOs. All bar one of these, stopping the escalation of violence, have been referred to previously by police as beneficial aspects of PSOs. Figure 8.1 below sets out percentages of those who agreed (i.e. 'agreed' or 'strongly agreed') that each option was a perceived benefit of PSOs.

Figure 6.1 Perceived benefits of PSOs

There was a high level of agreement amongst survey participants across each of the five potential beneficial outcomes which aligns with the beneficial factors discussed in the previous section. As seen in Figure 6.1 providing a **cooling off period** was the most frequently recognised benefit. Family Violence Coordinators next noted that PSOs **stopped the escalation of violence**, whilst frontline staff more frequently noted the ability for police to take **action to protect the person at risk**. **Reducing the burden on police resources** because officers do not have to return to the same address on multiple occasions on the same day, was the least recognised benefit, although, still rated highly. This potential benefit, while an obvious advantage for police, should not be a factor in deciding whether to issue a PSO. This decision should be based on concern for the safety of one or more persons at the address (see section 9 emerging unintended outcomes).

6.4 In summary

Overall frontline officers and Family Violence Coordinators reported positive experiences with PSOs, however, they could still offer some suggestions for improvement. The main changes they suggested to make PSOs more effective were related to the issuing and serving of PSOs discussed in the previous section.

The case studies identified potential disadvantages to either persons at risk or bound individuals; these are discussed in the next section under emerging unintended outcomes.

7 EMERGING UNINTENDED OUTCOMES

7.1 Introduction

One result of the evaluative process is often the identification of outcomes not planned for or anticipated. **Objective 8** addressed this issue by calling for the identification of any emerging unintended outcomes from the issuing and serving of PSOs. This section presents the findings from the formative evaluation in relation to unintended outcomes of the PSO initiative.

7.2 Unintended outcomes

Initially, evaluation questions were designed to gauge the extent to which displaced violence might occur as an outcome of PSOs. No one participating in the case study research or the on-line survey reported being aware of any displaced violence or change in level of serious and public place violence before and after the introduction of PSOs. Rather, the following unintended outcomes were identified.

Increased financial hardship on the person at risk

Police and support agencies interviewed for the case studies discussed concerns that families may experience increased hardship as an outcome of the “breadwinner” being removed from the residence.

Taking someone away can have a bit of a negative effect in those situations where you're taking someone away that might be the breadwinner or they might not be getting on in their relationship but they're also very good with the kids and the kids get really upset if this person's been taken away (NCO, Lower Hutt)

Potential hardship placed on the bound individuals

Hardship placed on the bound person, particularly in relation to finding temporary accommodation, was raised as a primary concern by one male-centred support agency. This was also commented on by a small number of on-line survey participants (n=10).

It concerns me that these people are alone and have nowhere to go. What is their potential for self-harm? We need an alternative, somewhere for them to go. There just isn't anywhere (Male-centred support agency, Lower Hutt)

Deterring future police contact by persons at risk

Support agencies who participated in the case studies voiced concerns over PSOs being issued in cases when there was no concern for either party's safety and when there was no perceived risk. These agencies were concerned that removing an individual from the home may be viewed as overly punitive by persons at risk and, as an outcome, may deter individuals from contacting the police in the future.

In addition, some persons at risk interviewed related a reluctance to contact the police in the future because of their unease with being contacted or visited by representatives of Child, Youth and Family following the serving of a PSO (see Kingi and Roguski, 2011).

Every time I contact the police and it sort of bums me out because that goes straight to CYFS as notification and that's what stops a lot of mums from ringing the police (Person at risk, Māori female)

Inherently, persons at risk reported concern that any future contact with the police may result in the loss of their children

CYF came about the incident. When they knocked on my door I sort of already knew who they were before they had said who they were. And I just went boom and up went this big brick wall and I was like you know "I'm okay, don't take my kids away from me." I told them to go and look in my cupboards and go into my son's room. We're not deprived of anything. It was threatening to me at the time I would never have that happen with my children again. Not to go through all of that crap just over an argument or a hissy fit (Person at risk, Māori female)

These unintended outcomes, at the least, could benefit from continued monitoring.

PSOs issued to reduce burden on police resources

In addition to increasing the safety of persons at risk, police participants in both the case studies and the on-line survey noted that PSOs had reduced the burden on police of having to return to an address, on multiple occasions, in the same evening.

Less calls to police from some households which often call police unnecessarily. Often people just need some time apart after a disagreement so serving an order is effective in helping with this."(On-line survey participant)

Although this unintended consequence was invariably seen as positive by frontline police it will be important to ensure that PSOs are issued where there is a concern for safety of the Person at Risk, not to save police officers from making repeat visits - this would be an unintended outcome of the initiative.

Increased burden on community agencies

A finding of the case studies was that the implementation of PSOs, coupled with an increased awareness of family violence was seen to have resulted in a greatly increased workload for many agencies specialising in family violence. This impact was most acutely felt by Women's Refuge who receives the bulk of the referrals.

7.3 In summary

When considering emerging unintended outcomes from the PSO initiative it is important to note that rather than being unique to this intervention, they are related to family interventions in general. In particular, the unwillingness of victims to report family violence to the police for fear of losing their means of financial support or the risk of State intervention in relation to their children.

In terms of the lack of accommodation for bound persons, clearly providing assistance with this can ensure that the bound person leaves the abode and mitigate risk in relation to breaches of PSOs. The increased burden placed on community agencies as a result of this initiative combined with awareness raising around the issues of family violence is an issue for concern.

8 IN CONCLUSION

8.1 Introduction

On 1 July 2010 PSOs were introduced as a new tool for police officers dealing with family violence incidents. The analysis of all components of the formative evaluation has provided encouraging preliminary findings on the implementation of PSOs. Overall, PSOs have been well received by police and the community and appear to be implemented as intended, providing an extra tool for police when attending family violence incidents. However, there were some barriers to their effective implementation noted, and as such, there are a few areas where improvement can be made to further enhance their effective use.

8.2 Areas requiring further consideration

It is clear from the formative evaluation that the following areas require further consideration:

Training

There is a need to make it clear to staff that PSO training is mandatory; to provide refresher training for all staff; and to provide specific training on dealing with breaches; and to provide training for court staff. There was a clear preference for classroom based training as it was felt that this allowed for scenario based learning.

Administrative processes

There is a need to streamline the administration process in particular the recording of breaches of PSOs, and ensuring staff have easy access to sufficient PSO forms.

Risk assessment

It is important that police complete the PolFVIR risk assessment on site instead of relying on 'intuition' and prior knowledge to decide whether or not to issue a PSO. This could be facilitated by making sure that the form is of a practical length. Also it is evident that there is a need for clearer guidelines in the Family Violence Policies and Procedures manual on how the risk assessment should inform the decision of whether or not to issue a PSO.

Issuing of PSOs

Some concerns were expressed that PSOs were being issued in low risk situations and conversely in situations where the use of violence was evident and another response may have been more appropriate. Increased clarity is needed for guidelines around the appropriate use. Group based training could be utilised to work through issues related to appropriate versus inappropriate situations in which to issue PSOs.

Breaches of PSOs

There is a need to generally increase the knowledge of Police and Court staff of how to respond to breaches. There was also evidence that some felt that the penalties

associated with breaching had 'no teeth' and should be increased. Another area of difficulty is having sufficient time for officers to follow-up a PSO to ensure a breach has not occurred.

Providing information

Although a translation service is available, more consideration needs to be given to the needs of bound individuals and persons at risk for whom English is a second language. At the very least the PSO pamphlet should be available in a range of languages.

Although police participants generally agreed that it would be rare for either bound individuals or persons at risk to receive a police-distributed PSO pamphlet these still need to be available and their distribution encouraged.

The purpose of a PSO also needs to be explained clearly to bound individuals and persons at risk; it was evident in some cases that people confused PSOs with Protection Orders.

Timely referrals for support

There was little, if any, support available for bound individuals. The issuing of a PSO presents the opportunity for the provision of services to this group; at the very least assistance with temporary accommodation should be available.

In relation to persons at risk, it is clear that sometimes contact from a support agency does not happen until after the PSO has expired. This is contrary to the intent of providing wrap around services at the time of need. However, in the Family Violence Policy and Procedures manual guidelines around the referral process are somewhat confusing. There is also some concern around the routine referral to CYF in these incidents.

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APPENDIX A: BRIEF LITERATURE REVIEW

Learnings from other jurisdictions

A.1 Introduction

Objective 1 of the evaluation was to identify learnings from similar initiatives. A review of research evidence pertaining to the introduction of Police Safety Orders (PSOs), or similar orders operating in other jurisdictions, was therefore undertaken. New Zealand Police provided articles for review, consisting of a mix of grey and published literature.

It is not possible to make any definitive statements around the effectiveness or otherwise of safety-orders due to the small amount of evaluative evidence. Rather, the issues outlined in this section are best regarded as areas of interest that are potentially relevant to the continued implementation of PSOs in New Zealand.

A.2 Background

It is internationally agreed that domestic and family violence and violence against women is a widely pervasive issue that must be dealt with by society¹⁰. There have been a myriad of approaches developed to deal with family and domestic violence, but most recently legislative reforms have provided for Police initiated protection orders, which provide immediate protection for those who experience family and domestic violence. Protection orders, of which safety orders are a variation, are a well used component in an integrated approach for responding to family and domestic violence here and elsewhere, and the Police play a key role. Police Safety orders are a good example of the interface between civil and criminal law that is now more widely associated with an inter-agency integrated response to family and domestic violence.

Police initiated safety orders are based in a human rights approach to family and domestic violence that is reflected in an inter-agency response. The inter-agency response ensures an integrated approach in dealing with family and domestic violence. Family and domestic violence is acknowledged and treated as a criminal act, and the safety of victims and children is the primary consideration

A.3 Overview of international use of PSOs or similar initiatives

Australasia: Currently Police issued safety orders (or Police safety notices) are operational in five Australian states/territories. Table A.1 provides an overview of Police issued safety orders across participating Australian states/territories alongside those issued in New Zealand. Of note, while the core components of the orders are

¹⁰ (Hagemann-White, Katenbrink, & Rabe, 2006)

inherently similar across Australian jurisdictions¹¹ the circumstances in which police officers can issue police orders vary.¹²

¹¹ (Commonwealth of Australia, 2009, pg 13)

¹² (Commonwealth of Australia, 2010)

Table A.1 Police Issued Safety Orders/Notices in Australia and New Zealand

	Western Australia	Tasmania	South Australia	Victoria	Northern Territory	New Zealand
Issued when insufficient evidence for arrest	✓					✓
Reasonably suspect a family violence offence has been committed or is likely to be committed	✓	✓	✓	✓	✓	✓
Necessary to protect safety of victim in high risk situations	✓			✓		✓
Issued by officer of sergeant or above		✓		✓		✓
In urgent circumstances and when not practicable to apply to courts/ 'essentially outside court hours'				✓	✓	
Issued for periods of up to -	✓					
▪ 24 hours without victim's consent	✓			✓		✓
▪ 72 hours with/without victim's consent						✓
▪ Up to 5 days without victim's consent?						✓
▪ 12 months		✓				
▪ Cannot be made for a specific time			✓			
▪ Duration not specified in the literature?				✓	✓	
People involved are in a domestic relationship	✓	✓	✓	✓	✓	✓
Person whom the order is issued against is present			✓			
Order may contain standard non-conflict, non-violence and weapons protection order and respondent barred from entering property named in order (exclusion)	✓	✓	✓	✓	✓	✓
Purpose, duration term and effects of order and consequences of breach must be explained to respondent					✓	✓
Must provide a copy of order					✓	
Order acts as a summons to appear in court			✓	✓	✓	
Acts as an application by the Police for a protection order				✓	✓	
May be varied by protection order with consent of victim and where variation will not adversely affect safety		✓				
Must consider accommodation needs of respondent with regards to exclusion clause				✓		
Cannot be extended or renewed	✓					

Europe: A large proportion of the member states for the Council of Europe¹³ have recognised domestic violence as a grave problem.¹⁴ Measures to protect victims (especially women) have been developed. Legislation varies according to different member states, but is usually separate from legislation aimed at criminal prosecution (with the exception of breaches). It is based on the idea of immediate protection from further violence by providing physical distance between victims and offender.¹⁵ Some member states – Austria, Switzerland, Germany, Liechtenstein, Luxembourg, Spain and Poland have developed legislation which allows Police to take positive action to exclude the perpetrator of violence from the home by way of police eviction, barring and ‘Go-Orders’ (which are equivalent to New Zealand’s PSOs). The requirements for Police to be able to do so differ within countries, and mainly the eviction serves as a preventive measure.¹⁶

A.4 Effectiveness of PSOs

Four evaluations on police issued safety orders were identified by New Zealand Police and provide some understanding for why, how and when PSOs may/may not be used.¹⁷ These studies go some way to illustrate a level of effectiveness of police issued safety notices¹⁸ (see Appendix A for further information).

A.5 Emerging issues from the literature

Commentators have identified a number of issues that have precluded the seamless implementation of safety orders in other jurisdictions. It has been common for reviewers to note:

- geographical differences in the numbers orders issued
- Police need better information at the beginning of an attendance about the history of the offender and any existing protection orders
- an almost universal recommendation for providing up skilling, training, education, and resourcing for police on the job.

Table A.2 below outlines possible Police-centred barriers to the implementation of safety orders identified in the literature.

¹³ The Council is a political body founded in 1949 to promote greater unity between its members, now numbering at 46 European States.

¹⁴ (Hagemann-White, et al., 2006)

¹⁵ (Hagemann-White, et al., 2006; Löbmann, 2006)

¹⁶ (Hagemann-White, et al., 2006; Humphreys & Carter, 2006)

¹⁷ Three were carried out in Australia (i.e. Tasmania, Western Australia and Victoria) and the fourth in Lower Saxony, Germany.

¹⁸ See Appendix A for a full description of the findings from these evaluations.

Table A.2 Police-Centred Barriers to the Implementation of Safety Orders

Issues	Suggested Actions
Complexity of domestic violence – the causes of domestic violence are complex, often involve mental health problems, drug or alcohol dependence and socio-cultural factors. However, much of the literature notes that it is common for Police, across jurisdictions, not to know how to intervene and support victims in line with best practice models ¹⁹	<ul style="list-style-type: none"> Specialist training for police in dynamics of family violence²⁰ Additional training to build sensitivity and develop skills to respond appropriately (including alcohol and mental health issues)²¹
Issues	Suggested Actions
Possessing insufficient knowledge of the offender's history when first called to a domestic violence incident – German Police reported not feeling sufficiently informed about a perpetrator's history. In general, the Police did not know, at the time of entering a residence, if there were legal protection orders against the perpetrator or whether or not the perpetrator is a repeat offender ²²	<ul style="list-style-type: none"> No solutions to this issue were identified in the literature
Consistency of police response – variations in how police respond to domestic violence incidents have been noted across jurisdictions. ²³ geographical differences, in the way police respond, have been noted in Germany ²⁴ , Australia ^{25, 26} and Austria. ²⁷ In Germany, for instance, the percentage of Go Orders issued, in relation to domestic violence incidents, ranged between 7 and 60 % across regions ²⁸ differences in the Police respond have been noted in urban and rural areas in Australia (Victoria). ²⁹ confusion over procedure - whether or not an order can be issued if the perpetrator is not present when the Police arrived. For instance, in the German evaluation, 30.2 percent of the Police survey indicated that they would pronounce a Go Order without the offender being present. ³⁰	<ul style="list-style-type: none"> Develop a Code of Practice³¹ Provide ongoing training opportunities in: <ul style="list-style-type: none"> - better evidence gathering³² - develop a risk assessment tool³³ Provide ongoing training opportunities in: <ul style="list-style-type: none"> - risk assessment and risk management³⁴ - cultural awareness and cultural competency - with special populations, particularly indigenous populations, where there may be cultural differences to take into consideration³⁵
Monitoring breaches - whether or not an order was breached relied on the victim's self-report. As such, there is a risk that perpetrators might regain access to the home undetected by the Police ³⁶	<ul style="list-style-type: none"> No solutions to this issue were identified in the literature
General training/educational opportunities – follows on from the recognition of the difficulties associated in dealing with family and domestic violence, and in implementing new processes and procedures often associated with a change in legislature ³⁷	<ul style="list-style-type: none"> Develop Best Practice Principles Education/Training Measuring Performance Accountability Info. sharing with other relevant agencies³⁸

¹⁹ (Atkin, 2009; Crime and Misconduct Commission, 2005; Government of Western Australia, 2008; Löbmann, 2006; Marcus, 2009; Success Works, 2009b; Thomson Goodall Associates Pty Ltd, 2010; Towns, 2009)

²⁰ (Crime and Misconduct Commission, 2005; Government of Western Australia, 2008; Marcus, 2009; New Zealand Government, 2008; Towns, 2009)

²¹ (Crime and Misconduct Commission, 2005; Marcus, 2009; Success Works, 2009a, 2009b; Thomson Goodall Associates Pty Ltd, 2010; Wilcox, 2010)

²² (Löbmann, 2006)

²³ (Commonwealth of Australia, 2010; Crime and Misconduct Commission, 2005; Government of Western Australia, 2008; New Zealand Government, 2008; Success Works, 2009a, 2009b; Thomson Goodall Associates Pty Ltd, 2010; Towns, 2009)

²⁴ (Löbmann, 2006)

²⁵ (Government of Western Australia, 2008)

²⁶ (Thomson Goodall Associates Pty Ltd, 2010)

²⁷ (Dearing & Haller, 2000: cited in Löbmann, 2006, p. 104)

²⁸ (Helfferich & Kavemann, 2004: cited in Löbmann, 2006, p. 103)

²⁹ (Thomson Goodall Associates Pty Ltd, 2010)

³⁰ (Löbmann, 2006)

³¹ (Crime and Misconduct Commission, 2005; Marcus, 2009; Thomson Goodall Associates Pty Ltd, 2010)

³² (Crime and Misconduct Commission, 2005; Marcus, 2009; Towns, 2009)

³³ (Marcus, 2009; Thomson Goodall Associates Pty Ltd, 2010)

³⁴ (Marcus, 2009; Thomson Goodall Associates Pty Ltd, 2010)

³⁵ (Marcus, 2009; Success Works, 2009a, 2009b; Thomson Goodall Associates Pty Ltd, 2010; Towns, 2009)

³⁶ (Löbmann, 2006)

³⁷ (Hagemann-White, et al., 2006; Löbmann, 2006)

³⁸ (Marcus, 2009)

A number of concerns in relation to victims and support agencies were also identified in the literature and these are presented in Table A.3 below.

Table A.3 Possible Barriers to Safety Order Implementations from Victim and Support Agency Perspectives

High Level Issue	Specific Issues	Possible solutions
Victims' concern for their safety - concern that the bound individual will seek retribution (risk of further violence) ³⁹	Victims, in some circumstances, must consent to extended safety order time periods. Such requirements place an unfair burden on victims and it ignores cycles of abuse and victims' fear of retribution. In particular, the victim may fear that the perpetrator will blame them for consenting to the police issuing a safety notice against the perpetrator ⁴⁰	<ul style="list-style-type: none"> Support removal of consent provision for some safety orders⁴¹
	That the police will not enforce the orders and perpetrators can breach orders without repercussion ⁴²	<ul style="list-style-type: none"> Police investigate/enforce all breaches Make all breaches a criminal offence⁴³
	Perpetrator issued with safety notice that contain exclusion orders and have no alternative accommodation arrangements or access to services. As a consequence, there is a risk that the perpetrator will breach their order and return home ⁴⁴	<ul style="list-style-type: none"> Police responsible for arranging alternative accommodation for perpetrators Case management approach for needs of offender⁴⁵
Lack of coordination – this includes the Police and social service agencies	Fragmented responses to family violence where member agencies may not be supporting police/sharing the load ⁴⁶	<ul style="list-style-type: none"> More opportunities for combined agency training Improved agency accountability Improved information sharing⁴⁷ In rural/ remote areas where courts sit infrequently⁴⁸

³⁹ (Atkin, 2009; Government of Western Australia, 2008; New Zealand Government, 2008; Success Works, 2009a, 2009b; Towns, 2009)

⁴⁰ (Atkin, 2009; Government of Western Australia, 2008; New Zealand Government, 2008; Success Works, 2009a, 2009b; Towns, 2009)

⁴¹ (Government of Western Australia, 2008; Humphreys & Carter, 2006; New Zealand Government, 2008; Success Works, 2009b)

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⁴³ (Hagemann-White, et al., 2006; New Zealand Government, 2008; Success Works, 2009a)

⁴⁴ (Commonwealth of Australia, 2010; Government of Western Australia, 2008; Thomson Goodall Associates Pty Ltd, 2010; Towns, 2009)

⁴⁵ (Government of Western Australia, 2008; Success Works, 2009a; Towns, 2009)

⁴⁶ (Hagemann-White, et al., 2006; Marcus, 2009)

⁴⁷ (Government of Western Australia, 2008; Marcus, 2009; Success Works, 2009a)

⁴⁸ (Government of Western Australia, 2008)

