



Evaluation of Family Violence Courts

Final Report

5 March 2021



ALLEN+CLARKE

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EXECUTIVE SUMMARY

This report presents the findings from an independent evaluation of the Family Violence Courts.

Family Violence Courts

Family Violence Courts (FV Courts) are a judicially-led initiative that are intended to provide a specialist, more holistic and therapeutic response to family violence (FV) criminal charges.¹ Eight FV Courts have been implemented from 2001 to 2009 in the Whangārei, Auckland, Waitākere, Manukau, Porirua, Hutt Valley, Palmerston North, and Masterton District Courts.

The key objectives of the FV Courts are:

- getting offenders to take responsibility for their actions
- promoting victim safety
- making sure that those affected by FV Court cases receive the right support and information
- reducing the time it takes for FV cases to be heard or disposed
- recognising cultural needs of Māori and other ethnic communities, and responding to them appropriately
- reducing reoffending and/or severity of offending
- influencing positive cognitive behavioural change in defendants.

FV Courts are held at a regular time and place in the District Court. They have dedicated people working to support and help those going through the court process. This includes judges, police prosecutors, community probation officers, court staff (including Victim Advisors) and a variety of community support services.

Over time, each FV Court has been adapted and shaped to meet the needs and constraints of its local community, but all FV Courts are expected to adhere to and operate in accordance with a set of *FV Courts National Operating Guidelines*.

Evaluation purpose and focus

The purpose of this evaluation is to support the Judiciary and the government to make decisions on the future of the FV Courts, including improvements that can be made to enhance the courts. The evaluation focuses on the FV Courts as a whole, and assesses FV court processes, outcomes and impacts, including whether the FV Courts are achieving their stated objectives, outcomes for

¹ Therapeutic responses, in the context of courts, are based on the philosophy of therapeutic jurisprudence which recognises that “the processes used by courts, judicial officers, lawyers and other justice system personnel can impede, promote or be neutral in relation to outcomes connected with participant wellbeing such as respect for the justice system and the law, offender rehabilitation and addressing issues underlying legal disputes” (Source: <https://aija.org.au/research/resources/the-concept-of-therapeutic-jurisprudence/> [accessed; 2 March 2021]). Therapeutic approaches are based on principles including, for the FV Courts, collaboration and communication (including direct judicial interaction with participants), community involvement in the court, and consistency in processes and personnel.

families/whānau interacting with FV Courts, and outcomes for the Judiciary and the Ministry of Justice. It also identifies critical success factors, strengths and weaknesses of the FV Courts.

Evaluation methods

The evaluation involved mixed-methods, drawing on qualitative data collected from observations of FV Court processes and interviews with key stakeholders, and quantitative administrative data on individuals who have faced family violence charges either in FV Courts or non-FV Courts, and on all defendants who have been referred to a non-violence service through the courts.

We observed court proceedings and interviewed key stakeholders at all eight FV Courts, and undertook deep dives into four FV Courts where we conducted more intensive interviewing, including with defendants, victims and whānau, Victim Advisors and third-party service providers.² The quantitative data analysis included analysis of matched data from family violence offenders in FV Courts with offenders in non-FV Courts.

We also observed court proceedings and interviewed key stakeholders at two additional courts that are not FV Courts – the Te Kooti Matariki in Kaikohe and the Family Harm Intervention Court in Gisborne. These visits aimed to gain an understanding of how these courts deal with family violence cases, and to provide insight into how approaches/ideas utilised in these specialist courts compared with the FV Courts.

The collected data was analysed thematically and assessed against a set of key evaluation questions and evaluative criteria and performance standards to determine the evaluation findings.

Key findings

This summary of findings is presented in the same order as in the body of the report, and not in order of significance. The findings are grouped by FV Court processes and activities, outcomes, and critical success factors.

FV Court processes and activities

There is considerable variability in how the eight FV Courts operate

Each FV Court operates differently due to factors such as court resources, community involvement, input from third parties and volume of cases. For some courts, there was little evidence of the implementation of the FV Court guidelines and the court operated like a criminal court due to the speed and high volume of cases being heard. For other courts, the involvement of the community and third parties in the FV Court was very evident. The availability and approach of third-party providers also varied across different regions, which impacted on the effectiveness of the FV Court due to the information available to them and the follow through of services and programmes.

² In this report, third-party providers refers to Ministry of Justice funded domestic violence programme providers and other service providers that may sit either in or outside the FV Court but are not funded by the Ministry of Justice (e.g. other non-violence or safety programme providers, Community Link in Court [CLiC] services).

Some FV Courts are responsive to the needs of defendants but more progress is needed to meet the needs of victims and families and whānau

The evaluation found evidence of informative and supportive FV Court processes that positively engaged defendants, such as defendants being given the opportunity to speak directly with judges, and some courts offered a more holistic approach and access to services able to address some of the underlying causes of offending such as financial stress. While victim safety is a key objective across all FV Courts, victims were often not engaged in the courts' processes. There was evidence of positive experiences from engaging with Victim Advisors and third-party programme providers. There were very few examples provided of FV Court processes that supported the needs of families and whānau, although at courts where there were dedicated staff for this, this was found to make a substantial difference to the running of the court because staff were able to provide people with a greater understanding of what was going on in the court, as well as emotional support.

FV Court practices appear to acknowledge and respect cultural differences and power imbalances, but are not particularly responsive to individuals' cultural needs

Within the FV Courts, there are clear attempts to humanise, respect, and acknowledge people of different cultures and to acknowledge the inherent power imbalance within the court process. This is particularly evident though the mana-enhancing engagement style of many judges, including the incorporation of aspects of Māori practices and values such as whakawhanaungatanga and maanakitanga. Significantly, most FV Courts observed were presided by judges with many years of experience working in, and a critical awareness of, their respective communities, including the diversity in these communities.

Aside from some te reo spoken in the courts, karakia to open court days, the incorporation of some tikanga Māori values in many courts (as noted above) and translators where needed, there do not appear to be any specific mechanisms through which cultural needs are explicitly identified for each defendant and their family or whānau. Many stakeholders felt that these needs were better, and perhaps more appropriately, met outside of the court room by specialist third-party service providers. The adversarial environment in the court room was one reason given for the challenge of meeting these needs within the court.

Tikanga Māori protocols and values were much more explicitly incorporated into court processes at Te Kooti Matariki and the Gisborne Family Harm Intervention Court.

FV Courts have insufficient resources to implement processes as intended

While all FV Courts have dedicated staff, there is limited family violence training provided to staff and a lack of appropriately trained back-up staff to fill roles when primary staff are unavailable. Over and above this, many courts are overwhelmed by the volume of cases which limit the capacity to provide a therapeutic court process.

There is strong communication and collaboration within FV Courts but room for improvement in engagement with third-party services

FV Court staff are working well together and communicate and collaborate well during court proceedings. There are opportunities to strengthen the safe sharing of information, particularly where multiple judges are presiding over the same court. Cross jurisdictional knowledge of judges is highly valuable, for example, gained when an FV Court judge sits on the Family Court as well and gets to understand the context for what is happening for a particular family or whānau. The

Family Violence Bail Summary Report (FVBSR) initiative was also noted in one court as being useful in this regard.

Programme referrals through the National Domestic Violence (DV) Programmes team are efficient and defendants who appear in a FV Court are significantly more likely to be referred to a non-violence programme (43.2%) than matched controls who do not appear in FV Courts (1.6%) – this is to be expected as these referrals are central to the FV Court model.³ However, there are limited connections between court staff and third-party providers and the community, and providers are seldom present in FV Courts.

More broadly, there is evidence of gaps in services that could enable FV Courts to be more responsive to the needs of victims, defendants and their families and whānau. This includes a need for mental health services, alcohol and drug treatment, parenting support, relationship counselling, financial support services, and services to support children affected by family violence, such as services that support supervised visitation between children and defendants. While there are some providers delivering these services, it is not enough to meet demand.

FV Court outcomes

FV Courts are not reducing the time it takes to progress family violence cases

The evaluation found that FV Courts are not reducing the amount of time it takes for family violence cases to be heard or disposed. The longer amount of time it takes for cases in the FV Court to progress to interim disposal (i.e. entering a plea; average days = 106 versus 70 for non-FV Courts; 50% longer) appears to be the result of regional variation in timeframes, rather than being attributed to the FV Courts themselves.⁴ However, the time to progress to interim disposal was found to be no shorter for FV Courts. Further, the FV Courts were associated with substantially longer times to progress from entering a plea to sentencing (i.e. final disposal; average days = 117 vs 58 days for non-FV Courts; 101% longer).

Because the increase in timeframes was predominately associated with the stage between interim and final disposal, the longer time overall is likely due to the judicial monitoring process which is core to the therapeutic FV Court model. For this reason, many stakeholders questioned the relevance of the objective of FV Courts being more timely than non-FV Courts. That said, the evaluation also found that the high case volumes can slow FV Court processes and lengthy processes can lead to unintended outcomes, such as increased risk for victims and other family members.

FV Courts have a significant, positive effect on rates of family violence reoffending, including a similar effect on rates for Māori defendants

The evaluation found lower rates of reoffending for family violence defendants who appear before the FV Courts compared to matched controls appearing before non-FV Courts at one, two, three, and four years post-completion of the court process (relative reductions ranging from 19-21%). The reductions in family violence reoffending were also found for Māori family violence

³ Note that analysis was limited to cases from 2015-2019. This was because changes to the domestic violence legislation in October 2014 affecting referrals of FV offenders to domestic violence programmes (and which allow linking between programme data and criminal case data) do not appear in administrative datasets until 2015.

⁴ In other words, cases in general take longer to progress to interim disposal on average in District Courts with an FV Court compared to District Courts without an FV Court.

defendants who appeared before a FV Court compared with a non-FV Court (relative reductions ranging from 16-20%). Defendants in FV Courts were also convicted of significantly fewer FV reoffences on average than defendants in non-FV Courts. Again this effect is similar for Māori defendants. These findings indicate that FV Courts are contributing to increased safety for families and whānau in terms of reoffending and this is significant.

FV Courts also appear to reduce the rate of other violent and non-violent reoffending

The evaluation found that defendants in FV Courts were significantly less likely to reoffend with a new non-FV violent offence than defendants in non-FV Courts, with differences remaining relatively steady over time (from 18% to 24% lower in FV Courts across time periods). Notably, rates of non-FV violent reoffending were substantially lower than rates of family violence reoffending across all time periods. This suggests that individuals who engage in family violence are often only being convicted of violence within this family context, rather than engaging in broader patterns of general violent offending.

Defendants in FV Courts were also significantly less likely to reoffend with a new non-violent offence (excluding breaches) than defendants in non-FV Courts, with differences again remaining relatively steady over time (from 10% to 12%). The relatively lower rates of reoffending among defendants appearing before the FV Courts were larger for family violence and non-FV violent reoffending than for non-violent reoffending; this is perhaps to be expected, given that the programmes that defendants are referred to often focus specifically on stopping violence rather than broader offending (although the strategies learned would likely have an effect on both types of offending, as evidenced by the reductions in reoffending across all types of offences).

Lower rates of non-FV violent and non-violent reoffending were also identified for Māori defendants appearing before the FV Courts compared to those appearing before non-FV Courts.

There is some evidence that FV Courts are getting offenders to take responsibility for their actions

The evaluation indicates that FV Courts may encourage individuals with proven cases to plead guilty, which may indicate an increased level of responsibility-taking. However, many defendants engaged in the evaluation continued to minimise or deny their offending despite pleading guilty, which suggests there is still room for improvement in respect to FV Courts encouraging responsibility-taking. It was acknowledged by many providers of non-violence programmes that responsibility-taking is a process that can take some time.

Defendants shared that the opportunity to speak directly with the judge made them engage more in the process. This was particularly profound for defendants who had the same judge for the duration of their court appearances, as there was the opportunity to build rapport with the judge and have a connection with them.

Cognitive behavioural change in defendants was not able to be assessed in the current evaluation, beyond an assessment of reoffending rates. Future research that directly assesses these changes, including from the perspective of victims and other family or whānau members, would be valuable.

Defendants in FV Courts are more likely to be discharged without conviction, and notable differences are apparent in sentences received

Defendants in FV Courts are 1.6 times more likely to be discharged without conviction than matched defendants in non-FV Courts. Māori defendants were also more likely to be discharged without conviction, although to a lesser extent than all defendants

Differences in sentencing outcomes were also found for defendants appearing before an FV Court compared with those who appearing before a non-FV Court, with more sentences of community detention (38% higher) and “other” sentences⁵ (11% higher) in FV Courts, and fewer sentences of community work (18% lower) and monetary sentences (40% lower). Similar patterns across case outcomes and received sentence types were also identified for Māori defendants appearing before FV Courts. No reliable differences were identified in the proportion of defendants receiving other sentence outcomes between FV and non-FV Courts, including imprisonment, home detention, intensive supervision, supervision, deferment⁶, and no sentence recorded.^{7,8}

No significant difference was identified in the average length of imprisonment imposed between FV Courts and non-FV Courts. The evaluation also did not find any reliable differences in sentence lengths for defendants who were given a community sentence between FV Courts and non-FV Courts (including for home detention, community detention, intensive supervision, community work, and supervision).⁹

These findings suggest that although there may be differences in some types of sentences given to family violence defendants in FV Courts compared to non-FV Courts, there does not appear to be a difference in the length of sentences given to defendants in the different courts. Further research is needed to more conclusively identify whether observed differences in sentence types and lengths are indeed the result of regional variation, or whether they are more appropriately attributed to the FV Courts.

There are unintended negative outcomes of the FV Courts model

The evaluation found a number of unintended outcomes of FV Courts, including victims feeling invalidated by the FV Court process, particularly when the defendant receives a reduced sentence, and when the victim has not been involved in the court proceedings. Other unintended outcomes found include an increased likelihood of bail breaches given the lengthy court process, and the disruption to people’s lives, including employment, as a result of the lengthy court process.

⁵ Includes orders related to driving (e.g. disqualification from driving, alcohol interlock order, zero alcohol order, attend driving course), orders related to forfeiture and confiscation (e.g. forfeiture, confiscation of motor vehicle, prohibition of interest in motor vehicle, destruction of animal), Final Protection Order (Sentencing Act), Child Protection Register, and 'committed to a facility on conviction'.

⁶ Includes 'to come up for sentence if called upon'.

⁷ 'No sentence recorded' includes where a person has been 'convicted and discharged' and where a person has been ordered to pay court costs.

⁸ Regional comparison analyses suggested that significant differences initially identified for these sentence types could not be reliably attributed to the FV Courts, but instead likely reflected regional variations in sentencing outcomes.

⁹ Regional comparison analyses suggested that significance differences initially identified in sentence lengths for all community-based sentences could not be reliably attributed to the FV Courts, but instead likely reflected regional variations in sentence lengths.

The court process is disruptive to families and whānau, and the wider community

The evaluation found that the wider impact of the court process (not limited to FV Courts) is disruptive to families and whānau, and their wider community. This included the impact of attending programmes and the hearings themselves on defendant and victims' employment, and anxiety caused by limited or no contact between defendants and their children during the court process. Several families and whānau also acknowledged the impact of having the defendant away from the home, due to the additional pressures of effectively sole parenting and all that that brings, the psychological damage that victims face, and the added stress of often losing the breadwinner of the household.

Courts are run more efficiently where there are dedicated court staff and consistency in judges

Many FV Courts (e.g. Auckland, Manukau and Palmerston North) have created dedicated roles for staff who work in the FV Courts. Court staff reported that this was effective in maintaining consistency and a high standard of practice within the courts. Some court staff also suggested that having consistency in the judges sitting within the FV Court further helped to improve efficiency and handling of cases.

Funding and process structures can impact on third-party service delivery

Third-party service providers across the country reported that the competitive and relatively inflexible nature of the Ministry of Justice funding structure was not conducive to cooperation or collaboration amongst providers. This can negatively impact on families and whānau who do not get the best services to meet their needs because of this dynamic.

Many third-party providers also reported that the move to a centralised National DV Programmes team that manage referrals from the FV Courts, disincentivised attendance of these providers in court, particularly as providers are not funded by agencies to attend court sessions. The unintended impact of this change is that third-party programme providers, including non-violence programme providers, are not connected in with what is going on with the FV Court, and in turn, the FV Court has less community involvement. This also makes it harder for judges to elicit information about defendants and their progress in programmes during court hearings, or to directly engage with providers about whether their services might be appropriate for particular defendants.

Critical success factors

A number of key critical success factors were identified

The evaluation identified a number of critical success factors for the FV Court model. These include:

- the high commitment of court staff to see the FV Court as a different type of court run by a separate set of guiding principles, and the presence of a local "champion" for the FV Court
- staff who understood the intricate dynamics of family violence cases
- communication between courts, third-party providers, and victims and defendants
- the availability and accessibility of services delivered by third-party providers, including availability outside of working hours

- cultural responsiveness of the FV Courts, including mana maintaining/enhancing and humanising practices
- the willingness of defendants to confront their behaviour and commit to change
- judges, court staff, prosecutors, and defence counsel having a manageable workload.

Key strengths of the FV Courts process included incentives for behaviour change, support for broader wellbeing needs, and the clear commitment of staff to FV Court success

The evaluation identified key strengths of the FV Court process. These included the incentive of a reduced sentence in encouraging defendant engagement and behaviour change. Broader services provided through some FV Courts, including Community Link in Court (CLiC) and a guide-type role within the court for families and whānau attending court, also allowed for the broader wellbeing needs of defendants, victims, and their families and whānau to be addressed (rather than focussing solely on safety or reoffending-related needs). Within some courts there were also dedicated staff who worked cohesively as a team and were familiar with the nuanced patterns, behaviours and interactions associated with family violence. And across all courts, it was evident that most people who work in the FV Courts generally believe in what the courts are doing and are committed to realising positive outcomes for families and whānau engaged with the courts.

Some key weaknesses of the FV Courts model were also identified. These included the perception that less attention is paid to the victim and their experiences through the court process (as is common across typical criminal courts), and the feelings of invalidation for victims that can follow a reduced sentence being given to defendants. The inconsistency of judges presiding over the FV Courts was also seen as a weakness, as was the lack of focus and resourcing for mental health and children's needs.

1. THE EVALUATION

This report presents the findings from an evaluation of the Family Violence Courts, undertaken over October 2019 to November 2020. The Ministry of Justice commissioned *Allen + Clarke* to lead this evaluation.

This section provides background information on both the Family Violence Courts and the evaluation, including its purpose, focus, key evaluation questions and approach. It also describes the structure of the report.

1.1. Family Violence Courts

Family Violence Courts (FV Courts) are a judicially-led initiative that are intended to provide a specialist, more holistic and therapeutic response to family violence (FV) criminal charges.¹⁰ Eight FV Courts have been implemented across the North Island from 2001 to 2009 in the Whangārei, Auckland, Waitākere, Manukau, Porirua, Hutt Valley, Palmerston North, and Masterton District Courts.

The key objectives of the FV Courts are:

- getting offenders to take responsibility for their actions
- promoting victim safety
- making sure that those affected by FV Court cases receive the right support and information
- reducing the time it takes for FV cases to be heard or disposed
- recognising cultural needs of Māori and other ethnic communities, and responding to them appropriately
- reducing reoffending and/or severity of offending
- influencing positive cognitive behavioural change in defendants.

FV Courts are held at a regular time and place in the District Court. They have dedicated people working to support and help those going through the court process. This includes judges, police prosecutors, community probation officers, court staff (including Victim Advisors) and a variety of community support services.

Over time, each FV Court has been adapted and shaped to meet the needs and constraints of its local community, but all FV Courts are expected to adhere to and operate in accordance with a set of *FV Courts National Operating Guidelines*.

¹⁰ Therapeutic responses, in the context of courts, are based on the philosophy of therapeutic jurisprudence which recognises that “the processes used by courts, judicial officers, lawyers and other justice system personnel can impede, promote or be neutral in relation to outcomes connected with participant wellbeing such as respect for the justice system and the law, offender rehabilitation and addressing issues underlying legal disputes (Source: <https://aija.org.au/research/resources/the-concept-of-therapeutic-jurisprudence/> [accessed; 2 March 2021]). Therapeutic approaches are based on principles including, for the FV Courts, collaboration and communication (including direct judicial interaction with participants), community involvement in the court, and consistency in processes and personnel.

1.2. Evaluation purpose and focus

The purpose of this evaluation is to support the Judiciary and the government to make decisions on the future of the FV Courts, including improvements that can be made to enhance the courts.

The evaluation focuses on the FV Courts as a whole. It assesses FV court processes, outcomes and impacts, including whether the FV Courts are achieving their stated objectives, the outcomes for families/whānau interacting with FV Courts, the outcomes for the Judiciary and the Ministry of Justice, and identifies critical success factors, strengths and weaknesses. An analysis of matched data from FV offenders in FV Courts and non-FV Courts, and the activities of non-court services that are part of FV Court practices, are also within scope of the evaluation. The evaluation was to include an analysis of the cost of FV Courts to inform a cost-benefit analysis. This was removed from the evaluation's scope because of limitations in the availability of specific data on the costs associated with running the FV Courts.

1.3. Evaluation questions

The high-level key evaluation questions (KEQs) that the evaluation sought to answer are:

1. How does each FV Court operate?
2. How effective are the FV Courts' processes and activities?
3. To what extent have the FV Courts achieved their intended outcomes?
4. What are the impacts of the FV Courts on stakeholders (including families and whānau)?
5. What can be learned from the FV Courts?

KEQ1 is a descriptive question and this was answered for each FV Court and two additional courts for comparison. KEQs2–4 were answered for the FV Courts as a whole, while also examining variability in findings and context based on 'deep dives' into four FV courts and administrative data. KEQ5 focused on identifying learnings and improvements to inform the future of the FV Courts, drawing on all the evidence collected and analysed.

The evaluation explored sub-questions under each KEQ. These are provided in Appendix A.

For KEQ2 and KEQ3 the evaluation team identified criteria to inform assessments about how well the FV Courts are performing. These criteria were informed by a draft programme logic for the FV Courts that was developed by the evaluation team in consultation with the Ministry of Justice and agreed in an *Evaluation Plan*. The criteria are: responsiveness; appropriate resourcing; communication and collaboration; offender engagement; timely court process; victim safety; and offender changes. These criteria also cross-reference to the FV Court objectives listed in Section 1.1, above.

Evidence gathered in the evaluation was assessed using a rubric for each criteria to arrive at evaluative judgements along a continuum from "exceeding expectations", to "meeting expectations", to "meeting some expectations", to "not meeting expectations". The rubric is provided and discussed further in Appendix B.

A table illustrating alignment across the key evaluation questions, evaluative criteria, FV Court objectives and the evaluation methods is provided in Appendix C.

1.4. Evaluation methods

The evaluation design and methods were informed by previous research and evaluations, including:

- an evaluation of the Waitākere and Manukau FV Courts (Knaggs, Leahy, Soboleva, Ong, 2008)
- a literature review of evaluations of specialist FV Courts, internationally (Anscombe, 2019).
- a ‘current state’ report on the FV Courts (Ministry of Justice, 2019)
- previous analyses of FV Courts statistics (Ministry of Justice, 2016 and 2019).

The key lessons from this body of work were to use a range of data sources to provide breadth (e.g. analysis of FV Court administrative data) and depth (e.g. observation and qualitative interviewing), and to include different measurement points from those data sources to capture outcomes and impacts over time.

The evaluation design received ethics approval from the University of Canterbury Human Ethics Committee (Ref HEC 2020/13).

The evaluation involved a multi-disciplinary team with expertise in evaluation-specific methodologies, and qualitative and quantitative data collection and analysis, including a Kaupapa Māori evaluation specialist, and people with knowledge and experience of the dynamics of family violence and of Aotearoa/New Zealand’s justice system.

A summary of the data collection and analysis methods used in the evaluation is provided below, with further details of each method in Appendix D.

- **Initial site visits** for one day to each FV Court to observe the court’s operation ($n=139$ cases) and interview key stakeholders ($n=40$).
- **Deep dives** during a three day visit to four FV Courts to interview a wider group of stakeholders in more depth, including family and whānau, Victim Advisors and third-party providers ($n=55$).¹¹ The four deep dive FV Court sites were Manukau, Masterton, Porirua and Whangārei.
- **Additional site visits** to two specialist courts that are not part of the Family Violence Courts to observe the court’s operation and interview key stakeholders. These courts are Te Kooti Matariki in Kaikohe, and the Family Harm Intervention Court in Gisborne. These visits aimed to gain an understanding of how these courts deal with family violence cases, and to provide insight into how approaches/ideas utilised in these specialist courts compare to the FV Courts (i.e. to inform answers to KEQ5).
- **Analysis of Case Management System data** collected by the Ministry of Justice regarding individuals who have faced family violence charges either in FV Courts or non-FV Courts between January 2015 and December 2019.

¹¹ In this report, third-party providers refers to Ministry of Justice funded domestic violence programme providers and other service providers that may sit either in or outside the FV Court but are not funded by the Ministry of Justice (e.g. other non-violence or safety programme providers, Community Link in Court [CLiC] services).

- **Analysis of Domestic Violence Programme Management System** data collected by the Ministry of Justice on all defendants who have been referred to a non-violence service through the courts during this period (January 2011 to December 2019).
- **Data synthesis and sense-making** to bring different data sources and qualitative and quantitative data together in an iterative process to identify findings, converging and diverging ideas, and interpretations and rival interpretations around the evaluation questions.

Generic copies of the consent forms for evaluation participants are included in Appendix E, the court observation guide is included in Appendix F and interview guides are included in Appendix G.

1.5. Strengths and limitations

Key strengths of the evaluation approach and methodology include:

- It responds to context by collecting data on processes and perspectives on the operation of all eight FV Courts.
- It collects rich qualitative data from stakeholders associated with the four deep dive FV Courts, including from 31 third-party providers, 8 victims and whānau, 7 defendants and 6 Victim Advisors (VAs).
- It compares outcomes for individuals who have faced family violence charges in an FV Court with a control group of matched individuals who have faced family violence charges in non-FV Courts. This matching of treatment to control groups provides a strong indication of the impact of the FV Courts on particular outcomes.
- It also compares non-FV reoffending outcomes for the control and matched populations to assess wider impacts on overall defendant behaviour.
- It looks beyond the FV Courts by examining operational processes at two additional courts that take a therapeutic approach to criminal cases and incorporate tikanga Māori into the court process.

Limitations of the evaluation approach include:

- Administrative data does not capture all of the intended outcomes of the FV Courts such as changes in offender cognitions and responsibility-taking, or feelings of safety for victims. These analyses therefore only provide one part of the wider picture on how FV Courts are affecting the broader wellbeing of their target population as well as other stakeholders.
- The recidivism data are limited to Ministry of Justice data, which only captures offences that led to formal charges being filed and proven. This is a relatively conservative measure of recidivism, and will not include offending that was not reported, was not able to be proved, or that did not lead to charges (e.g. where police choose to address offending through processes outside of the formal court system). This is likely to underestimate the true rate of recidivism, although this bias is likely to affect both FV Court and non-FV Court participants equally and will therefore have less of an effect on conclusions drawn from a comparison of reoffending rates between courts.

- The major limitation of the Propensity Score Matching (PSM) technique for the quantitative data analysis is that it does not control for unobserved differences between research and control samples. For example, it is possible that individuals who have their cases heard in an FV Court are more motivated to change their behaviour than those who do not. This motivation to change likely has a strong effect on future outcomes, but is not controlled for between our research and control samples. This has the effect of possibly over-estimating the true effect of the FV Courts on outcomes.
- Children’s voices were not heard directly because the agreed evaluation design meant that others spoke for children. No participants in the evaluation were under 18 years of age and few evaluation participants reported on children’s experiences, other than in relation to the impact of the court process on parents being separated from their children. In part, this likely reflects the absence of children from the FV Court process.

1.6. Structure of this report

The remainder of this report is structured as follows:

- Sections 2–5 present the evaluation findings, aligned with KEQs1–4, on the operation of the courts (Section 2), the operation of the two additional specialist courts (Section 3), effectiveness (Section 4), outcomes (Section 5), and impacts (Section 6).
- Section 7 includes the evaluation implications and conclusions, providing a summary of findings against the FV Courts objectives and, in answering KEQ5, the implications of the findings for future design and support of FV Courts.

Because the evaluation focuses on the FV Courts as a whole, the report does not present findings for *each* individual FV Court, other than for KEQ1 which describes how each court operates. However, the evaluation does report on the similarities and differences (areas of convergence and divergence in evaluation findings) *across* the FV Courts which provides an indication of the variability of the evaluation findings.

The report’s appendices provide further details on the evaluation design and methodology, and additional analyses of quantitative administrative data.

2. HOW DOES EACH FV COURT OPERATE?

The implementation of the *FV Courts National Operating Guidelines* varied between courts, as did their relevance, with awareness of the guidelines varying significantly across FV Court staff and personnel. Each FV Court operates differently due to factors such as court staff, community involvement, input from third parties and volume of cases. For some courts, there was little evidence of the implementation of the guidelines, and the court operated like a criminal court due to the speed and high volume of cases being heard. For other courts, the involvement of the community and third parties in the FV Court was evident. The availability and approach of third-party providers also varied across different sites, which impacted on the effectiveness of the FV Court due to the information available to them and the follow through of services and programmes.

The findings in this section are presented for each FV Court and are organised by specified aspects of the Court’s operation. The evidence in this section is primarily drawn from observations and interviews in the initial site visits to all eight FV Courts, the ‘current state’ report,¹² and previous analyses of FV courts statistics.

2.1. Whangārei

The evaluation team spent one day observing the court and interviewing court staff in February 2020. The team returned in August as part of the deep dive.

Aspect of the Court’s operation	Findings
Operating times	Every fortnight on a Friday for a full day.
FV case volumes ¹³	Average of 262 FV cases per financial year.
Judicial numbers	There are three judges who sit in the FV Court.
Court staff	One dedicated Court Registry Officer (CRO) who manages the FV cases and eleven people in the wider team who all have FV cases.
Staff training	There is no training from external providers. All training resources are developed, and training is delivered, in-house. These trainings are focused on supporting court staff to have the skills to support a case, such as learning who their stakeholders are, and how FV dynamics are different from mainstream case management.
Third parties in court	Alcohol and drug clinician, forensic nurse and Department of Corrections (Corrections) representative are present at the court. Programme providers are

¹² Ministry of Justice. 2019. *Family Violence Courts: Report of the current state of operations in the family violence courts*.

¹³ Case volume data for FV Courts obtained from Ministry of Justice (n.d.). *Family violence court statistics: 2018/19 update*. Wellington: Author. These data are based on an average of the 2016/17, 2017/18 and 2018/19 financial years.

Aspect of the Court's operation	Findings
	encouraged by court staff to attend court so that relationships and connections can be made on the day the court operates, although we observed only one provider attending court, and only for some cases.
Programme referrals	Programme providers such as Te Puna o Te Aroha Māori Women's Refuge, Tryphina House, Man Alive and PSN Family Works and SHINE receive referrals through the National Domestic Violence (DV) Programmes team process.
Needs of victims	Victim advisors contact the complainant, get their views on the alleged offending, and provide the CRO with a memo that is given to lawyers and the judge. If the victims want to provide their views, they are always considered in the FV Court.
Involvement of families and whānau	Families and whānau were present at the court hearings that the evaluation team observed. Some were able to speak with their family member who was appearing before the judge – saying things like “keep calm son”. They were invited by the lawyer and the judge to share their opinions on what the behaviour of the defendant had been like at home, to give the judge further insight into some of the realities of their situation. Children were not allowed in the court room.
Cultural needs	There is not a strong cultural component that differs from the way other list courts run in Whangārei. Cultural needs of family and whānau were not explicitly considered in the court session. There are various programmes that defendants are referred to, with a mixture of mainstream and kaupapa Māori service providers available.
Stakeholder engagement	When the FV Court began, there were quarterly meetings with stakeholders. Due to resourcing, these stopped for a number of years, but started up again in early 2020. These meetings give counsel the opportunity to meet with providers in a different environment. It also provides a chance for case managers to meet with lawyers and provides an opportunity to see what's going well/not well, which is valued. Not all providers attend these stakeholder meetings, so the impact of these meetings on the community is limited.
Operating processes	<p>The court hears pleas, sentence indications, remands, case reviews, sentencing and monitoring.</p> <p>When someone needs to be bailed to an address, the court is very conscious of safety and will sometimes remand defendants in custody until an appropriate address is identified. If defendants plead guilty, they will be directed to attend a non-violence programme and will be called back for judicial monitoring. For defendants who plead not guilty, evaluation participants reported large delays for both judge alone trials and trial by jury.</p> <p>The FV Court presently operates in a similar manner to list courts. One stakeholder explained that while there are differences in the FV Court – e.g.</p>

Aspect of the Court's operation	Findings
	judges asking questions which are specifically related to family violence risk in bail applications and extra personnel (third-party providers) on the side bench – the lay person would not be able to tell the difference between this court and a list court.

2.2. Auckland

The evaluation team spent one day observing the court and interviewing court staff in February 2020.

Aspect of the Court's operation	Findings
Operating times	The Auckland FV Court sits twice per week, typically with one sentencing court day and one list court day.
FV case volumes	Average of 635 FV cases per financial year.
Judicial numbers	The same judge sits in the court on most list days.
Court staff	There are two dedicated CROs.
Staff training	Case officers attend a one-day FV training session delivered by SHINE when they first start working in the court, and Victim Advisors go to a two-day training after this that is more intensive. Apart from these sessions, there is no regular ongoing training.
Third parties in court	There is a forensic nurse and a restorative justice provider ¹⁴ that attend court. Programme providers typically do not attend court, although they provide written reports to the court on the progress of defendants referred to their services. Auckland FV Court does have a Community Link in Court (CLiC) service provided by the Ministry of Social Development (MSD). Staff members from this service sit in the court room and receive on-the-spot referrals where relevant needs are identified, largely related to financial, transport and/or housing issues.
Programme referrals	When the judge directs that a defendant attends a non-violence programme, a referral goes to the National DV Programmes team. The court will receive progress reports from the service provider, but this can be irregular and infrequent as there is nothing legislative about this process. The

¹⁴ Restorative justice is a process that provides opportunities for both victims and offenders to be involved in finding ways to hold the offender accountable for their offending and, as far as possible, repair the harm caused to the victim and community.

Aspect of the Court's operation	Findings
	<p>court relies on the goodwill of the providers to provide updates for the judge as defendants go through their programme. SHINE, Living Without Violence and Man Alive are the main programme providers. There are also providers who specialise in Asian, Samoan and Māori defendants. During judicial monitoring, if the programme is not a good fit, they can be redirected to a different programme.</p>
Needs of victims	<p>Risks and safety needs of the victim are identified at the first appearance, typically through discussion between the judge and defendant. Victims voices are heard through the VAs. Once victims come to the court, the VAs can put in a memo to the judge with victim's views on it. VAs refer victims to one-on-one help programmes like SHINE, as well as to the Strengthening Safety Service.</p>
Involvement of families and whānau	<p>Families and whānau are welcome in the court room, but children are not allowed. Emotional and practical support for individuals attending the court, including families and whānau, is provided by a respected elder, affectionately known as 'whaea', who is funded privately through a trust set up by local lawyers. She formally opens the court each day with a karakia, and helps individuals attending the court understand where they need to go and what they need to do before, during, and after the appearance. In this way, her role is similar to that of a guide. The whaea also provides this service to other specialist courts within the Auckland District Court.</p>
Cultural needs	<p>Beyond the broader support provided by the whaea, the cultural needs of family and whānau were not explicitly considered in the court session.</p> <p>The court may direct that the defendant attends a programme that is specific to their cultural background, but sometimes the referrals are made based on proximity to the service.</p>
Stakeholder engagement	<p>There are stakeholder hui chaired by the judge and attended by court staff and local third-party providers, where stakeholders are able to discuss arising issues and gain a better picture of the factors currently influencing court processes. These meetings are held once every two to three months.</p>
Operating processes	<p>The court hears pleas, sentence indications, remands, case reviews, sentencing and monitoring.</p> <p>Those who plead guilty are typically judicially monitored for up to 18 months while they complete relevant programmes; during these monitoring hearings, the judge will typically speak directly with the defendant and any family or whānau members present about their progress. Bail and/or supervision conditions may be adjusted during monitoring hearings, dependent on the safety of the victim and the progress made by the defendant. The court is currently experiencing long wait times for monitoring and sentencing dates.</p>

2.3. Manukau

The evaluation team spent one day observing the court and interviewing court staff in February 2020. The team returned in August as part of the deep dive.

Aspect of the Court's operation	Findings
Operating times	The Manukau FV Court typically sits three days per week with one of those days being devoted to case review, although this is sometimes increased to four days if volumes are particularly heavy.
FV case volumes	Average of 988 FV cases per financial year.
Judicial numbers	Two judges are regularly rostered to sit in the Manukau FV Court.
Court staff	There are three dedicated CROs.
Staff training	Court and legal staff reported that they did not receive regular, ongoing training in family violence, and the 'current state' report states that CROs have received no specialist training in FV.
Third parties in court	Supports and services from third parties run in a similar manner to the Auckland FV Court. This includes the recent introduction of CLiC in the Manukau FV Court. With the exception of CLiC, programme providers do not tend to attend court, but they do provide written reports for the judge.
Programme referrals	The FV Court manages referrals to non-violence programmes for defendants and, where appropriate, referrals to restorative justice for defendants and victims. The identification of, and referral to, other required supports and services is typically managed by legal counsel, CLiC and/or through the comprehensive needs assessment completed by non-violence programme providers. The Victim Advisors may also support referrals to other services for victims, including safety programmes.
Needs of victims	The needs of victims are identified and their voices heard through similar processes to the Auckland FV Court.
Involvement of families and whānau	Families and whānau are welcome in the court room, but children are not allowed. Until recently, support for individuals attending the court was provided through the same process, and by the same whaea, as for the Auckland FV Court. This service has stopped since a changeover in judges in mid-2020, with the new judges deciding not to continue the service.
Cultural needs	Beyond the broader support provided by the whaea, the cultural needs of family and whānau were not explicitly considered in the court session.
Stakeholder engagement	Manukau FV Court used to run regular stakeholder hui, but these have stopped since the changeover in judges in mid-2020.

Aspect of the Court's operation	Findings
Operating processes	<p>This court runs similarly to the Auckland FV Court, hearing pleas, sentence indications, remands, case reviews, sentencing and monitoring.</p> <p>Judges tend to speak directly with defendants (and family or whānau members present) during case reviews and judicial monitoring sessions in the court.</p> <p>Different judges take different approaches to setting down appearances; some judges set one monitoring date while defendants are completing programmes and set down sentencing for when defendants are projected to have completed the programme; whereas other judges wait to hear about programme completion prior to setting down a sentencing date. In the latter case, defendants can have multiple monitoring dates, particularly if they do not complete their programmes the first time they are referred.</p>

2.4. Waitākere

The evaluation team spent one day observing the court and interviewing court staff in February 2020.

Aspect of the Court's operation	Findings
Operating times	The Waitākere FV Court sits every Friday.
FV case volumes	Average of 525 FV cases per financial year.
Judicial numbers	Six local judges are rostered to sit in the FV Court, and every few weeks or months visiting judges may also sit in the court.
Court staff	There is one dedicated CRO who typically fills the role of case manager and court taker.
Staff training	FV training in THRIVE (an online training portal) was provided for all staff. The majority of staff attended a FV workshop regarding their own experiences of FV, and managers have received training for identifying FV. These were delivered through SHINE.
Third parties in court	One local non-violence programme provider sits in the FV Court for two hours in the morning, to assist with new referrals and respond to judges' questions.
Programme referrals	Judges in the FV Court typically only refer defendants to non-violence services and restorative justice services. These referrals are managed by court case managers and the National DV Programmes team. If other services or supports are required, these tend to be sought directly by the defendant and/or their legal counsel.

Aspect of the Court's operation	Findings
Needs of victims	The Victim Advisors listen in to court proceedings via digital recordings as required and are available to interview victims to get their view on bail variations and other matters. VAs provide a list to the judge for the cases heard on whether they have contact with the victims. They also update victims if anything changed in the court hearing.
Involvement of families and whānau	The judge will usually ask the lawyer what the family or whānau thinks about different conditions, and the lawyer will often say if the family or whānau are in the court and the judge will speak with the family directly.
Cultural needs	Cultural needs of family and whānau were not explicitly considered in the court session. Interviewees reported a lack of culturally appropriate non-violence service options in the community, particularly for Pasifika (there is currently one Pasifika provider that defendants can be referred to).
Stakeholder engagement	The Waitākere FV Court used to run stakeholder hui, but these have been stopped in recent years. The West Auckland FV Task Force helps to link the FV Court with the Police and local agencies, although some court staff reported that there is currently a disconnect between the court and local stakeholders.
Operating processes	<p>As with the other FV Courts in the Auckland region, the court hears pleas, sentence indications, remands, case reviews, sentencing and monitoring. Court staff reported that there were also judge alone trials in the FV Court. Sentencing tends to occur within the normal list court rather than the FV Court, and defendants are regularly sentenced to supervision with conditions of attending a non-violence programme, rather than completing programmes prior to being sentenced. For this reason, court staff reported that most cases are being completed within reasonable timeframes. There are also occasions where police will offer diversion to defendants once they complete a programme; they are directed through the FV Court initially due to the funding that is available through this pathway that is not available for referrals directly from police.</p> <p>Judges commented that the FV Court feels like a normal list court because of the large number of cases – this matches the evaluation team's observations. Interviewees reported that, whereas some judges will talk directly to the defendant in court, others tend to speak with legal counsel rather than directly with defendants.</p>

2.5. Palmerston North

The evaluation team spent one day observing the court and interviewing court staff in February 2020.

Aspect of the Court's operation	Findings
Operating times	The Palmerston North FV Court is held every fortnight on a Monday, for the full day.
FV case volumes	Average of 344 FV cases per financial year.
Judicial numbers	There are two judges who alternate running the court, each with their own style. Judges shared that it is important to have more than one judge on the FV Court due to scheduling and logistics, as these judges are often called away to appear at other courts in the surrounding area (e.g. Taihape), so cannot be expected to appear all the time in one court.
Court staff	There is one dedicated CRO who manages cases and takes court.
Staff training	Training on FV is available for judges and lawyers through their compulsory professional development and learning obligations to maintain their title. Apart from this, there is no formal training for staff working in the FV Court.
Third parties in court	Restorative justice, forensic nurse and Corrections representatives are present in the court room. The programme providers are seldom in court, and if they are, they appear at the back in the gallery.
Programme referrals	Defendants are referred to non-violence programmes such as Manline, Te Manawa and Raukawa Hauora Horowhenua. Victims can be referred to Women's Refuge, or the safety services available through Te Manawa and Manline.
Needs of victims	Victims have various opportunities to engage in the court process, through the Victim Advisor, prosecutors and the wider Police Family Harm Team. These processes allow the victim to have a say in the court proceedings, and give their opinion on matters such as bail variation.
Involvement of families and whānau	When families and whānau are present at the court, lawyers representing the defendant will acknowledge them and explain to the court who is there and what they are there for. Occasionally, they will be asked to address the court. The needs and safety of families and whānau are not identified formally during court proceedings, but their needs may be revealed through statements made to police and VA reports.
Cultural needs	Cultural considerations are addressed through cultural reports within the court setting. Apart from cultural reports, there are no other examples of cultural processes in the court. There are sometimes lawyers or kaumātua present, but

Aspect of the Court's operation	Findings
	<p>they are not there all the time, and their tikanga can sometimes vary from what the defendant expects (or not).</p> <p>Other ethnic communities present in the area (e.g. Burmese, Myanmar, Bhutan, Fijian Indian, Somalian, Iraqi), including those from refugee backgrounds, are not well supported in terms of the availability of specialised services in the community tailored to their needs.</p>
Stakeholder engagement	The Court Manager organised a meeting with stakeholders who are involved in the FV Court in early 2020. It was the first meeting that had been held since the centralisation of the administration of the third-party programme providers.
Operating processes	<p>The first appearance hearing is sometimes in the FV Court, otherwise it will be in the criminal or Family Court and then referred over to the FV Court. Post-guilty conviction, the FV Court hears monitoring, case review and sentencing.</p> <p>Defendants are referred to a programme in the community, which normally lasts for 12–20 weeks. They return to the court for judicial monitoring during this time to check in on how they are going. There is a lot of discussion before the court date, and negotiation between police and lawyers about charges, etc.</p> <p>The evaluation team observed court processes different from a normal list court, with an emphasis on therapeutic jurisprudence.</p>

2.6. Masterton

The evaluation team spent one day observing the court and interviewing court staff in February 2020. The team returned in August as to conduct the deep dive.

Aspect of the Court's operation	Findings
Operating times	The Masterton FV Court sits fortnightly, with sittings alternating between full days and half days every fortnight (i.e. approximately 1.5 days per month).
FV case volumes	Average of 134 FV cases per financial year.
Judicial numbers	There is one main judge who sits in the FV Court, with others filling in when this judge is unavailable.
Court staff	There are no dedicated CROs – the CROs work across courts.
Staff training	Family violence training is provided for court staff online through Ministry of Justice modules. The court staff are building their experience after having turnover of some key staff with many years of experience and institutional knowledge.

Aspect of the Court's operation	Findings
Third parties in court	A representative from Changeability (a FV programme provider) will sometimes attend court to be there to speak with families and whānau, defendants and victims if needed. Since the National DV Programmes team was introduced, other providers give update reports to the court on the defendant. The intention is for restorative justice staff members to also be present in the court, but this often does not happen.
Programme referrals	Referrals are commonly suggested by the judge to services such as non-violence programmes, alcohol and other drug treatment, mental health services, and restorative justice services; but only non-violence and restorative justice referrals are managed by the court. There are two providers who have services for relationship counselling, family-based services and services for children.
Needs of victims	A Victim Advisor typically sits in the FV Court who travels from Palmerston North.
Involvement of families and whānau	Families and whānau were present at the court hearings that the evaluation team observed. They were invited to speak by the lawyer and the judge. Children are not allowed in the court room.
Cultural needs	<p>Cultural reports can be provided by third-party providers, but this is at the request and expense of defendants. Evaluation participants reported an increase in the number of requests for cultural reports.</p> <p>The judge and court staff reported te reo Māori is used frequently. However, this is largely limited to announcing the court and adjournments, and welcoming people. Sometimes the judge will also enquire about defendant's whakapapa and tīpuna.</p> <p>Beyond this, cultural needs do not appear to be considered in the court process.</p>
Stakeholder engagement	Stakeholder meetings are held every 2-3 months, providing an opportunity for local providers and other stakeholders to be updated on the recent operations of the FV Court.
Operating processes	<p>The court hears sentence indications, remands, case reviews, sentencing and monitoring. Defendants are typically referred to the FV Court after a guilty plea has been entered.</p> <p>Sentencing generally follows the completion of a non-violence programme, with most cases resolved around a 12-month period.</p> <p>Judges tend to speak directly with the defendants. The needs of defendants are typically identified by the judge through these conversations.</p> <p>Non-FV charges and/or cases are also commonly heard within the FV Court, and vice-versa, due to staffing issues in other courts and the geographically dispersed nature of defendants.</p>

2.7. Porirua

The evaluation team spent one day observing the court and interviewing court staff in February 2020. The team returned in August as part of the deep dive.

Aspect of the Court's operation	Findings
Operating times	Porirua FV Court sits every Monday in the Porirua District Court.
FV case volumes	Average of 292 FV cases per financial year.
Judicial numbers	There is one judge who sits in the court.
Court staff	There are no CROs dedicated to the FV Court; however, there is a consistent court taker.
Staff training	There was no formal training in FV reported by staff, although a training workshop was scheduled for later in 2020. The 'current state' report refers to Porirua CROs having received training in FV from local providers. The Victim Advisor attended training run by Women's Refuge.
Third parties in court	In the court, there is the Police Family Harm Team (FHT), including the police prosecutor, alcohol and drug clinician, forensic nurse, CLiC team (MSD) and restorative justice representatives. This strong emphasis on wrap-around services is due to the Judge's leadership and initiative.
Programme referrals	<p>There are frequent referrals to non-violence and safety programmes, including to Porirua Whānau Centre Trust and Te Noho Riri Kore (<i>Porirua Living Without Violence</i>).</p> <p>Prior to the establishment of the National DV Programmes team, the judge received interim reports from providers. Now, the providers only give reports on engagement, non-compliance and completion, so there is significantly less detail than what there used to be. In practice, this means the judge has less understanding what is going on for the defendant, especially as the providers are not in the court room. This has also contributed to a reduction in the courts' knowledge and understanding of what services are delivered by local providers.</p>
Needs of victims	<p>Police prosecution represents views of victims, and the judge does not make any change to bail without first hearing the victim voice (even if this means standing down a case so that the Victim Advisor could make a phone call). Court staff will assist with childcare if the victim is in court.</p> <p>There is a new vulnerable witness room, which helps with risk and safety. Victim views are more often orally presented, although sometimes family harm reports include a written victim statement. The court staff also try to keep people separate, and work closely with security to ensure safety.</p>

Aspect of the Court's operation	Findings
Involvement of families and whānau	The FHT assists whānau to access services that they need outside of the court room. The way that the court is facilitated by the judge encourages whānau participation, as there are services available to support their needs and the process is accessible for them to understand and engage with. The judge will acknowledge if there is anyone supporting the victim/defendant and will allow them to speak.
Cultural needs	The judge shared that cultural reports are beneficial, but are not properly resourced or funded. There was informal use of te reo and tikanga by the judge, who reflected that it was their own way of engaging with the community by using accessible language that was easily understood by families and whānau. There used to be kaumātua present in the court on FV days. The kaumātua was available to meet with individuals to see if they had any involvement with their marae, what support they had in their life, and whether or not they were employed. This ceased at the end of 2018 when funding was discontinued.
Stakeholder engagement	There are six-monthly interagency FV meetings, which also involve the Judge, to increase communication and connections between all of the different service providers and the court.
Operating processes	<p>The court has a wide range of appearances on a typical list, including sentence indications, case reviews, sentencing, monitoring, bail and discharge applications.</p> <p>There is an emphasis on progressing cases promptly, especially with young people. The focus is on rehabilitation and services rather than punishment. The evaluation team observed the court actively acknowledged people's circumstances (e.g. the judge would offer condolences from the court if someone in the family or whānau had passed).</p> <p>The judge receives information packs (from the Family Violence Bail Report Initiative) so that they can see the broader context of any challenges the family are experiencing, rather than just criminal charges. This contextual information can include whether the behaviour/situation has been building over time, whether there are custody issues, and whether there is a Protection Order in place. All court members are involved in the process.</p> <p>The Police FHT also provide updates to the FV Court on how families are going, such as whether they are accessing support and whether bail conditions are inhibiting rehabilitation, etc. This is part of the piloting of the Whangaia Ngā Pā Harakeke initiative in the local Police District which includes a daily safety assessment meeting (SAM) involving Police, MSD, the Ministry of Health, and other agencies.</p>

2.8. Hutt Valley

The evaluation team spent one day observing the court and interviewing court staff in February 2020.

Aspect of the Court's operation	Findings
Operating times	Hutt Valley FV Court sits every Monday in the District Court.
FV case volumes	Average of 433 FV cases per financial year.
Judicial numbers	There is one resident judge and five others providing cover from other courts.
Court staff	There is no dedicated CRO; however, there is one court taker who manages the FV cases so there is consistency.
Staff training	There is no specific FV training available to court staff.
Third parties in court	Probation, mental health support and restorative justice sit in the court. The Restorative Justice Coordinator is present in the court and can speak to the defendant and family/whānau on the day. A forensic nurse sits in the court occasionally, but is not able to assess everyone due to the high volumes of cases. No other service providers sit in the court.
Programme referrals	Judges in the FV Court typically only refer defendants to non-violence services and restorative justice services; these referrals are managed by court case managers and the National DV Programmes team. If other services or supports are required, these tend to be sought directly by the defendant and/or their legal counsel.
Needs of victims	Victim voices are heard through the Victim Advisors memorandum or victim impact statement. The judge does not speak about these statements openly because this evidence might aggravate the proceedings. Instead, they look at these statements and give special attention when considering bail decisions.
Involvement of families and whānau	Family and whānau voices are heard if the defendant counsel has identified them to the judge. For matters relating to bail, family members who are present will be engaged to understand family circumstances (for example, if the defendant is employed, who else lives in the home, etc).
Cultural needs	Cultural needs of family and whānau were not explicitly considered in the court session that the evaluation team observed.
Stakeholder engagement	There are no stakeholder meetings.
Operating processes	The court hears pleas, sentence indications, remands, case reviews, sentencing and monitoring.

Aspect of the Court's operation	Findings
	<p>Evaluation participants agreed that the overall goal of the FV Court was to reduce reoffending, and that the process for the FV Court was different when compared with a regular list court. However, in observing the court there was little focus on the therapeutic nature of the FV Court, due to the large volume of cases seen each day, and court staff reflected that the FV Court felt more and more like a list court.</p> <p>The FV Court is a hybrid of a list and sentencing court. When defendants have multiple charges (such as drink driving), these charges are usually dealt with all together within the FV Court. Defendants will have upwards of 10 appearances in the FV Court.</p>

3. HOW DO THE TWO ADDITIONAL SPECIALIST COURTS OPERATE

The findings in this section are presented for the two additional courts included in the evaluation – Te Kooti Matariki in Kaikohe and the Family Harm Intervention Court in Gisborne. The findings are organised by specified aspects of each court’s operation. The evidence in this section is primarily drawn from observations and interviews during site visits to the courts in Kaikohe and Gisborne.

3.1. Te Kooti Matariki | Kaikohe

Te Kooti Matariki is based at Kaikohe District Court and was included in this evaluation as an additional site. The evaluation team spent one day at this court, observing the proceedings and speaking with court staff and programme providers.

Aspect of the Court’s operation	Findings
Operating times	Te Kooti Matariki runs every month on a Monday for the full day from the Kaikohe District Court.
Case volumes	Six cases per day, with each case taking around 45 minutes to hear.
Operating processes and activities	<p>Defendants have appearances in the normal court before they are admitted to Te Kooti Matariki, where they have an average of 6–8 appearances. The average time from initial charges being laid to sentencing is around 10–12 months.</p> <p>Any defendant can be referred to this court from any source (judge, lawyer, police, whānau, etc.) but they must pass the screening with the Court Registry Officer to deduce if it will be appropriate for them to attend the Matariki court. This depends on their willingness to engage with the root causes of their offending, as well as the severity of the offending.</p> <p>Present in the court is the judge, Court Registry Officer, lawyer, police prosecutor, mental health professional, court manager, kaumātua, and support people for defendant and victim.</p> <p>On the day the evaluation team visited, COVID-19 physical distancing requirements meant the court room layout had been altered, with the tables in a circle and everyone on the same level, facing each other. Despite this, the intention and the tikanga that this practice has instilled in those who work in this court was still evident in the proceedings with a normal court set up. Stakeholders described how the adjusted layout reduced barriers and humanised the process. One described it as more of a multi-disciplinary meeting where all the key players were at the table, in support of a common cause.</p>
Who is in the court	Critical success factors of this court include having people such as the judge and kaumātua present to ensure the quality of the tikanga, and having the providers in the court room.

Aspect of the Court's operation	Findings
Involvement and role of third parties in court process	Te Mana o Ngāpuhi Kowhao Rau are the service provider who work with the defendant, by doing a comprehensive assessment to address the underlying issues of the offending and putting together a plan to address the root cause. They play a crucial role in the court proceedings, as they can speak directly to the case at hand and provide context for the judge. They also have an impact on the defendant themselves as they are a familiar presence in the court.
Needs of victims	A key barrier to victim engagement is the lack of resource within police to dedicate to following up with victims to see if restorative justice is an appropriate pathway. There is no formal Victim Advisor role for the Matariki court, so the onus falls on police to undertake that role as well.
Involvement of wider families and whānau in the court process, including children	There is a high focus on the judge to make proceedings easy to understand for defendants, victims and other family or whānau members in the court. The judge uses plain language where possible, and will stop and explain what is happening after having separate conversations with other professionals within the room.
Cultural needs	<p>Tikanga Māori guides the court proceedings and is clearly implemented throughout every aspect of the Matariki court. Stakeholders shared about the importance of putting the principles into practice. Te reo Māori is spoken freely by both the judge and other stakeholders in the court. There is an awareness around what kind of language is used when talking with defendants and whānau, to make it less legal and more relatable. Everyone in the court is encouraged to speak, a dynamic that is facilitated by the judge, but not formally directed.</p> <ul style="list-style-type: none"> • Whakawhanaungatanga – connections between the judge/other court staff/victim and defendant were acknowledged at the start of proceedings. • Whanaungatanga – not an adversarial environment between the stakeholders, relationship and connections are valued. • Whakapapa – people's histories are as much a part of their futures in this court, not only by acknowledging their family connections, but also the nature of the offending and their childhood/up-bringing and factors that would have led to these circumstances. • Kotahitanga – everyone is on the same kaupapa, working together towards a common goal, which is getting the best outcome for the case at hand that considers all factors at play. • Mana – the process of the Matariki court upholds the mana of the defendant as they come to terms with the offending and the underlying reasons behind this. Their wairua and mana remain

Aspect of the Court's operation	Findings
	intact through the court proceedings, as they are held and guided through the process – and are a part of it.

3.2. Family Harm Intervention Court | Gisborne

The Family Harm Intervention Court is based at Gisborne District Court and was included in this evaluation as an additional site. The evaluation team spent one day at this court, observing the proceedings and speaking with court staff and programme providers.

Aspect of the Court's operation	Findings
Operating times	The Family Harm Intervention Court in Gisborne sits one morning every fortnight.
Case volumes	Approximately 13 cases are heard in each session.
Operating processes and activities	<p>There is one judge who consistently sits in the court – Judge Raumati – and there is another judge currently being prepped to sit in the court when Judge Raumati is away.</p> <p>Cases are referred to the Family Harm Intervention Court after a guilty plea has been entered. Judges sitting in the criminal list court will identify cases they believe are potentially appropriate for the Family Harm Intervention Court, and will make a referral. Defendants will then make a first appearance in the Family Harm Intervention Court where Judge Raumati will make a decision on whether to accept the case into the court. This largely depends on the motivations of the defendant, and the types of charges. Cases are not accepted where the defendant is in custody or living outside Gisborne, or where the likely sentence outcome is imprisonment.</p> <p>Cases can be sent back out of the court due to poor engagement from the defendant, but this does not happen often. The judge typically gives defendants two to three chances to overcome poor engagement before this option is taken.</p>
Who is in the court	All individuals involved in the court session typically sit in a circle at a table in the centre of the room. This would usually include the judge, Victim Advisor, Whangaia Ngā Pa Harakeke staff, probation officer, service providers, police prosecutor, legal counsel, the defendant, and the victim (if attending). During observations the court was set up slightly differently due to social distancing requirements.
Involvement and role of third parties in court process	The needs of the defendant and their family or whānau are first assessed by Whangaia Ngā Pa Harakeke staff and provided to the court in a written report prior to the first appearance, along with their view on whether the

Aspect of the Court's operation	Findings
	<p>case should be accepted into the court. This is used to inform referrals to appropriate services, and the appointment of a “case lead” once the case has been accepted in the court. The case lead could be any of the agencies sitting around the table, and they are responsible for developing and executing a plan for the defendant’s goals while in the court.</p>
Programme referrals	<p>Defendants who successfully complete judicial monitoring (as per their personalised plan) are typically sentenced within the Family Harm Intervention Court. Typical sentences include discharge with or without conviction, or suspended sentences. The judge also commonly converts fines to community work to help defendants clear their debt.</p>
Needs of victims	<p>Victims’ voices are heard through the Victim Advisor who sits in the court, and the judge will typically speak directly with the victim if they are in court. The victim will always be consulted prior to variations in bail or sentencing conditions.</p>
Involvement of wider families and whānau in the court process, including children	<p>There is a large focus on the part of the judge to make proceedings easy to understand for defendants, victims and other family or whānau members in the court. The judge uses plain language where possible, and will stop and explain what is happening after having separate conversations with other professionals within the room.</p>
Cultural needs	<p>As with Te Kooti Matariki, there is a clear incorporation of tikanga Māori in the processes of the Family Harm Intervention Court. Te reo Māori is incorporated regularly into speech by the judge and defendants, and everyone present in the court is encouraged and welcome to be involved in the court process. The principles of whakawhanaungatanga, whanaungatanga, whakapapa, kotahitanga, and mana are also incorporated into proceedings in a very similar way to that outlined above for Te Kooti Matariki.</p>
Stakeholder engagement	<p>A variety of stakeholders from a range of local agencies regularly appear in court, including Police, Oranga Tamariki, Corrections, and local service providers. These stakeholders tend to sit at the table in the court room with the judge and the defendant, victim and their support people, although the set-up of the court was altered during our visit due to COVID restrictions. Stakeholders also regularly liaise outside of court to ensure that the required information is available at each hearing e.g. defence counsel will typically liaise directly with police and Victim Advisors to get views on bail variations prior to a hearing.</p>

4. HOW EFFECTIVE ARE THE FV COURTS' PROCESSES AND ACTIVITIES?

This section covers four evaluation criteria and the evaluation team’s judgements against each of these. It is difficult to arrive at a single evaluative judgement on the range of criteria when there is considerable variance across the eight FV Courts, and it is important to remember that this is an *overall* judgement.

Where there is clear variability among courts, this is described beneath each rubric. Where the variance is significant, such that the evaluation team found it too difficult to identify a single performance standard, a secondary standard has been marked in a lighter shade.

The evidence in this section primarily comes from the observations and interviews in the initial site visits to all eight FV Courts, additional interviews in the four FV Court deep dives, and the analysis of Case Management System data and Domestic Violence Programme Management System data associated with all eight FV Courts.

4.1. Responsivity

Responsivity refers to FV Courts (including the personnel and processes/activities) responding to the needs of victims, defendants, and their families and whānau (including children and young people), so that their safety, autonomy and rights are maintained during their engagement with the FV Courts. In assessing responsivity, the evaluation team considered the extent to which FV Courts were:

- providing appropriate support and information
- operating in a culturally relevant, competent and safe manner
- tailoring their processes to suit the unique needs of their communities
- supporting safety, autonomy and rights during engagement with the FV Courts.

This section details the FV Courts responsivity for victims, defendants and families and whānau, with further analysis following on cultural safety and community needs.

4.1.1. Victims

Exceeding expectations	Meeting expectations	Meeting some expectations	Not meeting expectations
FV Courts processes are very responsive to the needs, rights, autonomy of victims.	FV Courts processes are responsive to the needs, rights, autonomy of victims.	FV Courts are making progress towards being responsive to the needs, rights, autonomy of victims.	There are very few, if any examples of processes in FV Courts being responsive to the needs, rights, autonomy of victims.

FV Courts are making progress towards being responsive to the needs, rights, and autonomy of victims

Participants across all courts (including Te Kooti Matariki and the Family Harm Intervention Court), shared the inherent challenge of making contact with victims and having them engaged in the court processes. This is due to dynamics such as changing addresses, changing phone numbers, and often not wanting to be contacted. In many cases across the courts, victims are not

able to be contacted or engaged by the Victim Advisors. One victim provided their perspective on the communication difficulties:

VAs should schedule contact with victims. They vary the calling, text and email schedules, etc. I was expecting a call, but confused when I got an email. [I] was looking forward to a call from someone [as I] wanted to get something from them.

Victims who had positive experiences of the FV Court typically would describe their engagement with the programme provider as the reason for their experience. In addition, some spoke about their positive experience with their Victim Advisors who were very responsive and attentive to their needs and who did a great job of supporting them and providing their views to court. One victim reported that the “Victim Advisors were awesome, familiar voice in there ... consistently updated me on what the case was and informed me on what was happening”. Another victim spoke highly of someone in the Police Family Harm Team as being supportive of them and their situation, going the extra mile to look out for them and offering to attend their appointments.

Some Victim Advisors reported that more support needed to be provided to victims to prepare them for the court room.

Restorative justice is available in Porirua, Palmerston North and Hutt Valley FV Courts, and this was seen as a positive resource for victims, even if they did not follow through with it. Restorative justice providers in Porirua described the situations with victims, where they would meet with them to discuss the situation but would ultimately decide that restorative justice was not an appropriate course of action. In these cases, the victim was still able to talk through their situation with the restorative justice provider. This process in itself was therapeutic.

Victim safety is a priority across all FV Courts

Across all courts, victim safety was prioritised during the court proceedings when addressing matters such as bail variations. The evaluation team observed judges in Palmerston North and Masterton particularly concerned with bail addresses and the impact on the victim and family. A Victim Advisor also spoke about the importance of ensuring that the victim’s voice was incorporated into judges’ decisions, whilst also recognising the primary importance placed on safety:

We will provide information on how the offending has impacted the victim, so that the court is aware of the pressure this is having on the family ... Concerns about evidence and safety will override the victim’s wishes, but at least the judge will then know why the victim is supporting the defendant to come home. The court is about keeping people safe and holding them accountable. Then my role is to ask the victim whether they can find support from other places rather than having the defendant home again.

However, because of the dynamics of family violence, many stakeholders felt that it was not safe for some victims to be completely honest about their views in court (e.g. their views on bail, or bail conditions), as these views are disclosed to the defendant. Victim Advisors will sometimes try to put the victim’s true thoughts in coded language for the judge to protect them. The success of this relies on judges having the ability to “read between the lines” and infer what the Victim Advisor was conveying:

Some victims will cancel the reports on their views once they find out the defendant’s lawyer will see the report ... We have never withheld anything from the defence, instead we will word it in a different way. We can help [the victims] a lot with re-phrasing. For example, we can put “the victim has no views to provide” and an experienced judge will see that means the victim is too scared to say something ... The victim will then read and sign it.

However, some providers felt that the FV Courts process was not mana-enhancing for victims, and that the reduction in sentences in the FV Courts was sometimes interpreted by victims as an indication that their suffering did not matter. It was felt by some victims that the process was too focussed on the needs of the defendant, and that their experience as a victim was diminished:

I was rung and told when the appearances before court were happening. I think there could have been something more done because I was really afraid of the [defendant’s] friends.

4.1.2. Defendants

Exceeding expectations	Meeting expectations	Meeting some expectations	Not meeting expectations
FV Courts processes are very responsive to the needs, rights, autonomy of offenders.	FV Courts processes are responsive to the needs, rights, autonomy of defendants.	FV Courts are making progress towards being responsive to the needs, rights, autonomy of defendants.	There are very few, if any examples of processes in FV Courts being responsive to the needs, rights, autonomy of defendants.

Some FV Courts are responsive to the needs, rights, and autonomy of defendants

The evaluation team observed numerous judges operating in an inquisitive and calming manner, commanding respect in the court room, without being authoritarian. Judges frequently took the time to speak with defendants and enquire into their circumstances; an approach that seemed to encourage participation and engagement with the court process by defendants.

Defendants shared that the opportunity to speak directly with the judge made them engage more in the process. This was particularly profound for defendants who had the same judge for the duration of their court appearances, as there was the opportunity to build rapport with the judge and have a connection with them. For further information on this see Section 4.4.

For defendants, there is an expectation on legal counsel to inform their clients about the FV Court process, and this is not always done due to the counsel being relatively time-poor or new and unfamiliar with the process themselves. This leads to defendants being unsure about the process and expectations on them both within and outside the court room, which can delay the court process when the right information is not available at the right time.

Court staff and providers of third-party services reported that there is currently little choice in which programmes defendants are referred to, particularly for non-violence services. This is problematic as certain providers might be preferred by defendants and their family or whānau because of a shared history with a particular service, a better fit in terms of working around their employment, or comfort in tikanga-based environments.

Courts such as Auckland, Manukau and Porirua had Community Link in Court (CLiC) services available to defendants. These courts had a more holistic approach as these services are able to address some of the underlying causes of offending. In Whangārei, Waitākere, Palmerston North, Masterton and Hutt Valley, there was no CLiC service present. This is thought to be because of funding and resourcing challenges for the CLiC provider.

Issues were raised by legal counsel as defendants were more likely to incriminate themselves when speaking to the judge directly

This was particularly problematic for defendants who had pleaded not guilty, or who had not pleaded at all, and were nevertheless appearing in the FV Court. Some lawyers believed that it was not appropriate for judges to be engaging in social work or counselling from their position of power. It was alternatively felt that holistic needs assessments were more appropriately conducted by third parties, and then fed into the FV Courts process.

4.1.3. Families and whānau

Exceeding expectations	Meeting expectations	Meeting some expectations	Not meeting expectations
FV Courts processes are very responsive to the needs, rights, autonomy of families and whānau.	FV Courts processes are responsive to the needs, rights, autonomy of families and whānau.	FV Courts are making progress towards being responsive to the needs, rights, autonomy of families and whānau.	There are very few, if any examples of processes in FV Courts being responsive to the needs, rights, autonomy of families and whānau.

There are limited examples of processes in the FV Court that are responsive to the needs, rights, and autonomy of families and whānau

Some FV Courts, such as Manukau, Auckland and Palmerston North, have a person present in the court who supports defendants, victims, and family and whānau members to understand what is going on and where they need to be, and provide emotional support (e.g. standing next to the defendant during the hearing). One judge described this role as very important, as they:

...herd people to where they need to be, keep an eye on unrest in the gallery and check in on people when they are not in the court room. The court room can be a very unsafe place for families and whānau, especially if they are being coerced to make a statement by the defendant – the court attendant plays an important role in this as they keep an eye out for these behaviours.

The evaluation team observed the court attendant in Palmerston North as being very attentive to the situation and had a warm and welcoming presence; and, importantly, did not come with the authority of the security guards. In Manukau and Auckland, the whaea provided emotional and practical support to those attending, including to families and whānau.

It was felt by many stakeholders attached to these courts that these individuals make a substantial difference in both the running of the court, and ensuring a positive experience for defendants, victims, and their families and whānau.

In courts where there was not a court attendant, the judge and lawyer would often draw attention to the family or whānau there, sometimes seeking their opinions on what the behaviour of the

defendant had been like at home to give further insight into the realities of the situation, particularly to inform sentencing and bail decisions. However, some whānau members did not find the process any more responsive than in other (non-FV) courts:

It didn't feel different to other courts. Feel awkward being there, even for yourself. More answers would be good – someone to talk to about it. Understand the process more. Understanding of family violence and normal court – don't really know. Court is court – if it felt the same, then it is not that different.

4.1.4. Responsivity across victims, defendants, families and whānau

There is no formal needs assessment process in the FV Court setting

There is often no formal assessment of needs that occurs within the FV Court, including both safety and broader wellbeing or psychosocial needs of all participants (i.e. victims, defendants, and their families and whānau). An initial assessment of the needs of victims is sometimes completed by Police or through conversations between the judges and defendants. However, a more comprehensive assessment, including of cultural needs, is predominately occurring after a referral to a non-violence or safety programme, or to a CLiC service. This information is typically not then fed back into the court.

4.1.5. Cultural responsivity

This section focuses on how FV Courts (including the personnel and processes/activities) are responding to the cultural needs of court participants.

It is important to, firstly, acknowledge some of the broader context for FV Courts. The FV Courts are part of a criminal justice system that results in Māori and other minority ethnic communities being disproportionately represented both as victims and defendants. Further, the adversarial nature of the justice system, makes it inherently difficult to build relationships and connections within the court room. This challenging context was summed up by a judge interviewed in the evaluation: “the justice system starts by depriving people of mana”. The evaluation findings for FV Courts need to be considered within this broader context.

FV Court practices appear to acknowledge and respect cultural differences and power imbalances

Within the FV Courts, there are clear attempts to humanise, respect, and acknowledge people of different cultures and to acknowledge the inherent power imbalance within the court process. This was most evident though the mana-enhancing engagement style of many judges, particularly in the courts that more closely adhered to a therapeutic model – e.g. Auckland, Manukau, Palmerston North, and Porirua FV Courts. This engagement, for example, involved the incorporation of aspects of Māori practices and values in courts, including whakawhanaungatanga and maanakitanga, and approaches which treated people with dignity and respect, and allowing people to speak if they wanted to be heard. Court staff acknowledged that some judges do this better than others, and this was also observed by the evaluation team. One judge described their practice in this way:

I try to find out about their whakapapa, their tipuna. Try to have a sprinkling of te reo Māori, acknowledgement of whānau. To make it everyone's court. To bring a sense of community.

Several judges interviewed in the evaluation spoke about the importance of reflecting on the ramifications of the court processes and judgements, and acknowledged that the court environment can be intimidating. Giving people the space to talk in the court room was considered one means to empower them. As one judge reported:

For Māori and Pasifika, people have low expectations. We need to give people the space to aspire out loud in the court room. This is powerful for people. Especially when recognition is coming from judges and prosecutors. Usually only have negative experiences with them.

Significantly, most FV Courts observed were presided by judges with many years of experience working in, and a critical awareness of, their respective communities, including the diversity in these communities. Many court staff also demonstrated an understanding of the social and cultural context of the people in their respective communities.

Victims and defendants engaged in the evaluation did not share many perspectives on the cultural responsiveness of the FV Court processes and activities, beyond general responsiveness as discussed in 4.1.1 and 4.1.2. Equally, they did not report that the FV Court processes and activities were cultural unresponsive.

Based on these evaluation findings, the evaluation team concludes that the FV Courts operate in a relatively culturally responsive manner. This is not to say that the FV courts are highly responsive to individuals' cultural needs (see next section).

Cultural needs are not particularly well recognised in the FV Courts

Aside from some te reo spoken in the courts, karakia to open court days, the incorporation of some tikanga Māori values in many courts (as noted in the previous section) and translators where needed, there did not appear to be any special consideration of cultural needs. While many evaluation participants acknowledged the value of these practices ("small but very important things"), they were not considered specific to the FV Courts:

Tikanga Māori use is no different to other courts. Tikanga (te reo Māori for announcement) used for entry into court – Family Violence Court very much a mainstream court process.

Judge

It is little if anything in terms of culturally different to other court – we open and close in te reo, interpreters are available but there are no specific provisions made.

Court manager

As reported in section 2, above, two courts had a whaea who attended the court sessions and provided broad support to family or whānau. Beyond this, there do not appear to be any specific mechanisms through which cultural needs were explicitly identified for each defendant and their family or whānau. Generally, stakeholders (including providers) felt that these needs were better, and perhaps more appropriately, met outside of the court room by specialist third-party service providers. The adversarial environment in the court room was one reason given for the challenge of meeting these needs within the court. Meeting cultural needs outside of the court would still require the FV Courts to accurately identify culturally-specific needs so that an appropriate referral could be made.

Tikanga Māori protocols and values were much more explicitly incorporated into court processes at Te Kooti Matariki and the Gisborne Family Harm Intervention Court. In part this reflects a stronger emphasis from the judge and other stakeholders in the court on putting protocols and values into practice, for example, a strong emphasis on using relatable language and encouraging everyone to speak. As noted in section 3, above, Te Kooti Matariki also has a kaumatua present to ensure the quality of the tikanga. But it also reflects the wider consideration and assessment of needs in the processes at these courts, including the involvement of specialist service providers in the court, the involvement of wider family and whānau, and the involvement of Whangaia Ngā Pā Harekeke staff in the Gisborne Family Harm Intervention Court.

Many court staff recognised that you did not need to be of a particular ethnic or cultural background in order to be culturally responsive. That said, some stakeholders felt that it was important for there to be a reflection of the cultural diversity of the community reflected in the diversity among court staff.

Culturally appropriate services in the community are essential

Stakeholders generally reported that culturally appropriate services were available in the community for defendants, victims and their families and whānau. However, there were gaps for some groups such as Asian, Middle Eastern, African and Pasifika services in some areas. Additionally, many referrals for culturally-specific non-violence and safety programmes made by the National DV Programmes team appeared to be made on the basis of the last name of the person being referred, rather than knowledge of their cultural identification or preferences for type of service. This suggests a need for a clearer way of identifying appropriate services in the referral system.

Cultural reports are used to provide context for offending

As noted earlier in Section 2, some defence counsel request cultural reports which examine the cultural context of the offending. These reports are factored into sentencing and, reportedly, can make a substantial difference to the sentencing outcome and duration. The evaluation team heard several barriers to obtaining cultural reports, including the cost (reportedly \$800-\$900 and while there is Legal Aid Services funding for this, it is not clear how often lawyers apply for this), and limited capacity amongst experts qualified to prepare these reports. Court staff commented on the inequities in sentencing between those who had access to a cultural report and those who did not.

4.2. Appropriate resourcing

Appropriate resourcing refers to the FV Courts having sufficient resources, including capability, to successfully implement processes as intended. The presence of the service providers within the FV Court is considered external to resourcing in this context, as the service providers are external to the internal running of the court.

Exceeding expectations	Meeting expectations	Meeting some expectations	Not meeting expectations
FV Courts are well-resourced and are able to undertake all their processes as a result, as well as complementary processes.	FV Courts are appropriately resourced to be able to undertake all of their processes as intended.	FV Courts are resourced but are not able to carry out all the processes as intended.	FV Courts are not resourced sufficiently to undertake most of the processes as intended.

Many courts are overwhelmed by the volume of cases

Court staff at many FV Courts, including Auckland, Hutt Valley, Manukau, Waitākere and Whangārei, spoke of the court being overwhelmed by the volume of cases being referred to and managed within the court. Auckland and Manukau courts are having to add additional days in order to get through cases within a reasonable timeframe. Court staff across these locations considered that this was only going to get worse over time.

Some court staff believed that some of this demand could be relieved by only having defendants who plead guilty within the FV Court. It was also felt that this would help to make the court less adversarial than can be the case prior to pleas being entered. On the other hand, some judges felt that it was valuable for defendants to see how the process worked prior to entering their plea, as this might encourage a guilty plea.

Judges at one court discussed how the excess of cases was resulting in defendants on their first offence being treated with more patience than repeat offenders who were perceived to be “blocking up the system” and were treated more punitively.

Having trained, dedicated court staff makes a difference, but minimal training is evident

Court staff across all locations expressed that the processes were implemented more smoothly when there were trained, dedicated court staff in each FV Court. That said, there is very limited family violence training being provided to court staff across FV Courts.

Some court staff reported that they had received family violence training from service providers such as Women’s Refuge or SHINE, and that they had access to online training modules on family violence; this was relatively consistent across courts. However, many of these staff questioned the usefulness of these trainings in their role, as the trainings related more to identifying and reporting family violence in the workplace, rather than the specifics of family violence dynamics and how these play out in the court process. Court staff reported that this left them relatively unprepared for their role in terms of understanding the factors at play in cases, and what exactly defendants worked on during their engagement with third-party service providers. They indicated that regular, more specific training on the dynamics of family violence would be beneficial for court staff.

Despite the limited opportunities for regular training, it is important to recognise that some court staff have significant experience in FV dynamics from previous work, study and training experience before they came to work for the FV Court.

Court staff reported that some judges did not understand the dynamics of family violence (particularly where judges had no previous experience in the Family Court) and therefore sometimes took situations at face value rather than identifying the underlying issues (e.g. not identifying instances where the defendant was using the court process to continue to exert power

over their victim). Many court staff reported that judges who also sat in the Family Court were better in this respect, as they were able to better understand the dynamics of family violence, and were also more likely to have specific knowledge about the families and whānau appearing in both the Family Court and FV Court.

There is a lack of trained back-up staff

While there are dedicated staff working in the FV Courts in Waitākere, Manukau, Palmerston North, Porirua and Hutt Valley, there are insufficient numbers of trained back-up staff who can fill in roles when the primary staff are on leave. This contributes to logistical challenges in scheduling court times to avoid things like leave and staff trainings. Numerous stakeholders reported the importance of having more than one judge and back-up court staff who can run the FV Court to mitigate this problem.

Cross jurisdiction knowledge of judges is highly valuable

This is valuable when the same family might be appearing before the Family Court for matters such as protection orders or childcare arrangements. If the same judge is sitting in both courts, then they have more context for what is happening for that family or whānau. Several judges expressed their frustration that there was not any way of knowing about what the context was for the family in other court matters – as often these case notes are important for the FV Court too.

4.3. Communication and collaboration

This criterion refers to there being effective communication and collaboration between key stakeholders and personnel both within the FV Court, with other courts, and with third-party service providers and the community. This includes the presence of effective referral and access pathways to these third-party services. Within the FV Courts, communication and collaboration was judged as “meeting expectations”, but it is not occurring as effectively with other courts or with third-party providers and the community, and hence the overall judgement is “meeting some expectations”.

Exceeding expectations	Meeting expectations	Meeting some expectations	Not meeting expectations
Stakeholders involved in FV Courts communicate and collaborate well, internally and externally.	Stakeholders involved in FV Courts communicate and collaborate appropriately, internally and externally.	Stakeholders involved in FV Courts communicate and collaborate in some areas, but do not in others, with variations internally and externally.	Stakeholders involved in FV Courts do not communicate or collaborate well, internally or externally.

Many FV Courts have effective teams who staff them, who work collaboratively together toward a common goal

Across the eight FV Courts, an overwhelming majority of staff working in the courts are highly experienced, passionate about what they do, and work tirelessly to see better outcomes in their community. These court staff work well together and communicate and collaborate appropriately

internally during the court proceedings, and the courts are well organised and run smoothly as a result.

There is inconsistency in sharing information on specific cases between courts

Many court staff across courts spoke about difficulties with the lack of automatic information sharing between the Family Court and FV Court because of legal requirements. It was felt that the Family Court was provided with much richer information about cases, and that the lack of this knowledge regarding the broader family context (e.g. custody issues, Protection Orders in place, patterns of family issues over time) was detrimental for judges when making decisions regarding bail, case monitoring and sentencing within the FV Courts. This was not always the case; court staff at one court spoke about information sharing processes with the Family Court. At this court, whenever someone gets a FV charge, there is an initial screen check to see if there is a current DV or guardianship application going through the Family Court. This process provides the judiciary with as much information as possible about the defendant and complainant so they can make sound decisions. Additionally, staff at one court that was part of the Ministry of Justice's Family Violence Bail Summary Report (FVBSR) initiative indicated that the Judge's pack provided to judges as part of this initiative was useful for providing this broader family context from when the defendant first engages with the FV Court.

There were reported issues with the sharing of information and context relevant to individual defendants and their progress through the FV Court process, particularly where multiple judges presided over the same cases within an FV Court. Court staff and defence counsel reported that having multiple judges preside over individual cases was particularly problematic when it came to sentencing, as one judge might decline to follow a formal or informal sentencing indication laid down by a previous judge.

Referrals are being made to third-party service providers but there are opportunities to strengthen connections

Court staff across the regions reflected that the process of referrals going through the National DV Programmes team is efficient. This is supported by administrative data that showed defendants appearing in an FV Court (43.2%)¹⁵ were significantly more likely to be referred to a non-violence programme than matched family violence defendants¹⁶ who did not appear in an FV Court (1.6%).

However, this process has resulted in very limited connection between the court staff and third-party providers and the community. An example of this is that in Palmerston North, the Court Manager reported that they had reinstated meetings with third-party providers because the monitoring reports that the judge was receiving did not have enough information for them to make an informed decision. As the National DV Programmes team held the relationships with the providers, there was no opportunity to meet with them in the court or pick up the phone and have a chat about it as the relationship was not localised.

Third-party service providers also felt that there was a lack of personal relationship with the DV Programmes team. Some providers suggested that referrals could be made timelier and more

¹⁵ This may undercount the true proportion of defendants engaging with non-violence services as defendants may not have a new referral if they are already engaged with a provider. This analysis is limited to cases from 2015–2019.

¹⁶ The process for matching defendants who appeared in an FV Court compared with similar defendants who did not appear in an FV Court is outlined in Appendix D.

efficient by utilising a cloud-based, paperless system for information sharing between providers and the DV Programmes team. This would also address issues in the current system whereby sometimes new referrals are made for defendants already engaged with another service provider.

Prior to COVID, defendants were provided with a time that they needed to present for their first non-violence programme appointment. Many providers reported that defendants would sometimes not show up for this appointment, either because they were unaware of it, or because it conflicted with other engagements such as their employment. Since COVID, defendants now have to phone the providers and make their initial appointment. For some providers this was seen as a positive change as it allowed defendants and providers to book a mutually acceptable time. For others it was a negative change because it meant that they had no idea how many defendants had been referred to their service until they called (the DV Programmes team has stopped sending providers spreadsheets indicating who has been referred to their service).

In one FV Court, the evaluation found that there was not a clear demarcation of responsibilities between the courts, police, and service providers in terms of supporting families and whānau. It was felt that there could be better communication and collaboration in this respect. While this is only one court, it was reported as a significant issue. One good example of how this could work is the Family Violence Hub in Manukau, where service providers are co-located with staff from Police, Corrections, MSD, Oranga Tamariki, and the District Health Board.

Programme providers are seldom present at the FV Court due to resourcing issues

Third-party service providers were generally unable to have staff members sitting in the FV Court due to staffing and resourcing issues. Where providers did sit in the court, this was felt to work better than having information provided via written reports as they were able to answer additional questions that both judges and potential clients might have, and, potentially, prevent unnecessary adjournments. One lawyer commented on the benefits of having programme providers in court:

Definitely made a positive improvement to have them in court. Had someone defendants could speak to straight after hearing if needed to. Could actually meet person immediately if referred to programme. Numerous times people do not make appointment for assessment. May be different if people are there in the court.

There are a range of other services that could be utilised to be more responsive to the needs of victims, defendants and their families and whānau

The FV Courts tend to only manage referrals for non-violence and safety programmes, and restorative justice services. Despite this, a broad range of other needs are often experienced by both defendants and clients, including needs for mental health, alcohol and other drug treatment, and parenting supports and services. Currently it is often the third-party providers of non-violence and safety programmes who are identifying and on-referring to get these needs met. In two of the FV Courts, MSD provides a CLiC service, which was viewed as incredibly valuable by stakeholders attached to the court. CLiC is able to directly engage with defendants, victims, and their family and whānau members to address predominately financial needs, such as transport, food, phones and WINZ entitlements.

Many stakeholders we spoke with also reported a lack of availability of family-centric services, including relationship counselling and parenting programmes, with some judges expressing frustration at not being able to refer to such services. Many people acknowledged that the

defendants and victims had a desire to stay together, and there could be an improvement in the coordination of services for both parties to ensure that this is done in a safe way. This did not necessarily mean that services needed to be delivered to both the defendant and victim together, but people felt there was a need for better communication and coordination between individuals or agencies providing support to both parties. Mental health was another area where there were typically large waitlists for referrals, and there was also a noted lack of services for female perpetrators, and male victims (e.g. male refugees).

There is a need for more services for children affected by family violence in every region

Across the FV Courts there was a reported need for more supports and services to meet the needs of children affected by family violence. These needs are currently identified through the primary caregiver's engagement with a safety programme or a Victim Advisor, but there is otherwise no particular attention that is given to children's needs. One particular area of need is for services that will support supervised visitation between children and defendants; because of the typical length of the FV Court process, it can be over a year before defendants are able to see their children.

National DV Programmes team managing referrals has had a negative impact on the connection between the FV Courts and the community

As noted above, many third-party service providers expressed that they had lost their personal relationships with the FV Courts after the DV Programmes team became a centralised service. This made it harder for them to understand what was happening at the courts, and to contact someone when there were issues with referrals.

Relatedly, some third-party providers reported that the centralisation of the DV Programmes team has contributed to a lack of awareness among people in the community – including third-party providers, defendants, victims and their families or whānau – about what the FV Courts are, how the FV Courts function, and whether and how they differ from a regular court. For example, many evaluation participants external to the courts (e.g. third-party service providers and families and whānau) considered that the FV Courts tended to run in a similar way to normal courts proceedings. It was particularly common for people to think the FV Court was the same thing as the Family Court.

Courts that run stakeholder hui with providers are more in touch with their community

Courts that run regular stakeholder hui see them as hugely beneficial for facilitating relationships between third-party providers and the courts, for updating providers on the operations of the FV Courts and for improving processes. This was seen as particularly important given the loss of connection since the centralisation of the referral system discussed above, as noted by one court manager:

I organised that meeting because I feel we have lost that connection with providers. This meant the judges weren't getting what they need from service provision – e.g. interim reports, etc. on defendants progress. We were trying to better coordinate that.

Some stakeholders felt that it was important to have a mixture of frontline staff/kaimahi and managers at these hui, as they bring different perspectives of how things are working for services and their clients. A key barrier for holding these meetings more regularly is the lack of resourcing

(in the courts) and funding (for providers), as well as leadership from the presiding judge to facilitate these meetings.

4.4. Defendant engagement

This criterion refers to defendants having a positive relationship with the FV Court, actively participating in hearings, programmes and services.

Exceeding expectations	Meeting expectations	Meeting some expectations	Not meeting expectations
Offenders consistently engage positively with FV Court processes, which is well facilitated by FV Courts.	Offenders mostly engage positively with FV Court processes, which is facilitated by FV Courts.	Offenders engage with FV Court processes inconsistently, facilitation by FV Courts may be mixed.	Offenders do not engage well in FV Court processes, FV Courts are unable to facilitate good engagement.

Defendants are positively engaged in the FV Court processes

Overall, defendants valued the interest and time from the judge. They felt that this was a humanising process compared with other experiences of criminal court. This humanising process also contributes to cultural safety – for example, tikanga Māori values are very much human centred values – such as whanaungatanga, and manaakitanga. That said, many defendants complained about the criminal process inherent in the FV Courts process. Despite being given the option to plead guilty or not guilty, some defendants reported feeling like they were guilty until proven innocent, and a pressure to plead guilty:

It was very disheartening to go to the court. I thought I might as well plead guilty so that I can see my kids.

I don't think that [my defence counsel] was in my corner from day one. She wants me to plead guilty, but she is supposed to be my lawyer. She tried to talk about a 25% discount for pleading guilty, but I don't want to admit to it. I want her to defend me.

These feelings were often related to bail conditions that prevented defendants from visiting or contacting their children, which defendants interpreted as an indication that the courts presumed they were a danger to their children.

Stakeholders such as court staff and defence counsel reported that the level of engagement shown by defendants depended on the characteristics and journey of the individual defendants. For some this was felt to tie in with culture and/or personality, where some defendants felt less comfortable and/or able to speak in court because of their backgrounds or natural tendencies. There was some concern from defence counsel that this may place an unfair disadvantage on some defendants, such as those who were engaged in the process but were less able to demonstrate this through direct engagement with the judge and others in the court.

It was felt that the opportunity for a reduced sentence¹⁷ was generally a good motivator for defendants to initially engage in programmes, and that this could evolve into meaningful and genuine engagement over time. This was supported by administrative data that found individuals referred to programmes from an FV Court (54.5%) were significantly more likely to complete a non-violence programme than those referred from a non-FV Court (26.5%)¹⁸.

That said, some victims and other stakeholders felt that defendants' engagement was superficial in the court, and that they were using the process as a "tick box exercise" to get a reduced sentence.

Many defendants do not differentiate between their experiences in the Family Court and the FV Court, as they reported them as all part of the same experience. Defendants were focussed on the amount of time that they were required to spend apart from their children during the process. This could be for particularly long periods of time where the Family Court was waiting on the outcome of the criminal charges going through the FV Court to make a decision.

4.5. Enablers and barriers to effective implementation

A number of key enablers and barriers to effective implementation were identified:

- As previously mentioned, dedicated judges and key court staff were seen as key to enabling effective implementation of FV Court processes. The evaluation found that having experienced court staff in the court room enabled improved engagement from defendants. It was found that having experienced staff in the court room conveyed a level of respect to the court system and the people appearing in the court.
- One of the primary barriers to effective implementation are resourcing issues, particularly with the large volume of cases going through the FV Courts. The criminal court physical environment was found to be a barrier to true therapeutic engagement for many defendants, although it was also felt by some that this was the appropriate location to convey the seriousness of the actions that have led the defendant there.
- Many defendants and victims experience barriers accessing appropriate supports and services where they do not have a Protection Order. A Protection Order is currently required for many services to receive funding for particular referrals.
- Victims are often choosing not to engage in the FV Court process, which is a barrier to supporting wellbeing and safety for the entire family or whānau. That said, where victims are engaged in the process, they report valuing the support provided by Victim Advisors and third-party service providers.
- The length of time it takes for cases to progress to completion in the FV Court was seen as a barrier to effective engagement in some cases, particularly where this involved a separation of the defendant from their children and/or wider family or whānau.

¹⁷ Mitigating factors, such as early guilty pleas or completion of an intervention programme(s), may be taken into account by judges during sentencing and may serve to reduce the sentence from an otherwise appropriate starting point.

¹⁸ Due to timeframes of the programme completion data, this analysis was limited to cases between 2015 and 2019. This was because changes to the domestic violence legislation in October 2014 affecting referrals of FV offenders to domestic violence programmes (and which allow linking between programme data and criminal case data) do not appear in administrative datasets until 2015.

- The need for more specialist services for children was identified across all sites visited. Currently, children tend to access services after a referral is made for the primary victim, rather than receiving their own needs assessment as part of the FV Court process.

5. TO WHAT EXTENT HAVE THE FV COURTS ACHIEVED THEIR INTENDED OUTCOMES?

This section focuses on four of the key FV Court objectives – timeliness, victim safety, and offenders taking responsibility for their actions and demonstrating behavioural change – and includes evaluation criteria and the evaluation team’s judgements against each of these. It also considers sentencing outcomes and unintended outcomes.

The evidence in this section primarily comes from interviews undertaken in the four FV Court deep dives, and the analysis of Case Management System data and Domestic Violence Programme Management System data associated with all eight FV Courts. It also draws from existing analysis of FV Court statistics for all eight FV Courts.

5.1. Timeliness

One of the objectives of FV Courts is to reduce the time it takes for FV cases to be heard or disposed. For this criterion, the FV Courts were judged to be “meeting expectations” if cases were progressed at a similar rate to non-FV Courts.

Exceeding expectations	Meeting expectations	Meeting some expectations	Not meeting expectations
FV cases are processed more quickly at key stages in FV Courts than in non-FV Courts.	FV cases are processed in FV Courts at key stages at about the same rate as non-FV Courts.	FV cases are processed more slowly at key stages in FV Courts than in non-FV Courts.	FV cases take significantly longer to be processed at key stages in FV Courts than in non-FV Courts.

FV cases are processed slower in FV Courts

Overall, the FV Courts were judged to be “meeting some expectations” with regards to timeliness. This was largely based on the quantitative analyses, which found that cases were taking significantly longer from interim disposal to final disposal in FV Courts compared with non-FV Courts.¹⁹ Note that cases also took significantly longer to progress to interim disposal in FV Courts, however further analyses (outlined below) suggest that these differences can be attributed more to regional differences than differences resulting directly from the FV Courts.

The evaluation found differing views on timeliness and it is worth considering whether this remains a relevant objective for FV Courts, and therefore whether expectations in this regard need to be explicitly revisited (e.g. expecting faster progression up until the judicial monitoring phase). On the one hand, getting the right support and completing programmes takes time; on the other, the high demand can slow FV Court processes and lengthy processes can lead to unintended outcomes, such as increased risk for victims and other family members.

There are notable differences in overall case length between courts, with the Auckland, Manukau and Waitākere FV Courts having the highest average case lengths, and Masterton and Whangārei FV Courts having the smallest average case lengths (see Table 1). This appears to be related to the

¹⁹ Interim disposal is an interim outcome defined as the establishment of guilt or otherwise, whereas final disposal is the final outcome, which includes sentencing.

number of hearing events per case, with courts that have a higher average number of events per case also tending to have longer case times (although note this is not always the case e.g. Waitākere FV Court). The length of time it takes cases to progress through the court does not appear to be a sole result of adherence to the therapeutic FV Court model, however, as Waitākere FV Court was one of the courts that appeared to adhere to the therapeutic model a little less strongly than for other courts.

Table 1. Average case length and number of events to case disposal, by Family Violence Court location, 2018/19 (adapted from Ministry of Justice (n.d.). Family Violence Court Statistics: 2018/19 update)

	Manukau	Auckland	Waitākere	Porirua	Hutt Valley	Palmerston North	Masterton	Whangarei	Total FVC
Average case length (days)									
Admin stage	107.5	80.3	97.9	78.7	48	85.4	31.5	45.7	79.6
Review stage	206.7	176.9	165.8	134.5	127.9	133.7	118.4	113.3	166.8
Trial stage	342.5	315.4	296	246.7	245.8	226.6	217.9	190.5	289.1
Total case	222.5	192.8	180.8	145.8	141.6	129.9	104.1	100.2	173.3
Average number of events to case disposal									
Admin stage	5.3	4.8	4.6	4.9	4.3	4.8	3.3	3.9	4.7
Review stage	9.1	8.4	8.2	7.3	7.7	7.4	7.2	6.9	8.2
Trial stage	11.6	11.2	9.7	9.7	9.4	7.9	7.7	7.4	10.2
Total case	8.9	8.3	5.6	7.1	7.2	6.4	5.5	5.6	7.6

Cases take longer in FV Courts, but this is partially attributable to regional differences

The court process is not more efficient for FV Courts than non-FV Courts, although the higher case length appears to be largely driven by regional differences and the judicial monitoring stage of the FV Court process.

Administrative data show that cases take significantly longer to progress to interim disposal in FV Courts than non-FV Courts (average days = 106 versus 70, respectively; 50% longer)²⁰. However, as shown in the regional comparison analyses presented in Appendix H (page 116), the average case length for other types of cases within the same District Courts was *longer* than for family violence cases, and both non-FV violence cases and serious fraud or theft cases took 51-55% longer in District Courts with FV Courts than those without. This indicates that the significantly longer time to progress cases to interim disposal in FV Courts is very likely the result of regional differences in timeliness, rather than an outcome directly attributable to the FV Courts process.

²⁰ Note that percentages reflect relative, rather than absolute, differences between FV Courts and non-FV Courts.

Cases also take significantly longer to progress from interim disposal to final disposal in FV Courts than non-FV Courts (average days = 117 vs 58 days; 101% longer). Contrary to findings for the previous analysis, these longer timeframes do not appear to be fully attributable to regional differences, with non-FV cases and serious fraud or theft cases only taking 37% and 13% longer, respectively, in District Courts with a dedicated FV Court. This indicates that the longer case length from interim disposal to final disposal is largely a result of differences in FV Court processes.

There is an ongoing tension between timeliness and therapeutic processes

Although the above analyses indicate that FV Courts are not more efficient overall than non-FV Courts, many stakeholders believe that the FV Court process is not designed to be more efficient. This is largely because of the length of time that judicial monitoring is expected to take, with some stakeholders commenting that if the court is efficient in terms of timeliness, the court is likely to look and feel like a normal list court.

Additionally, for some families and whānau, it is not a priority that the process is completed quickly, but that the defendant gets the support that they need and can have the opportunity to address underlying factors that led to the offending. However, for others, the length of time that defendants were on conditions (such as bail from home address) impacted negatively on them and their families or whānau, particularly where there were children involved. This highlights the necessity of individualised case management approaches, where the benefits of judicial monitoring processes are weighed up against the direct impact on defendants, victims, and their family or whānau.

Efficiency could be improved by ensuring the right information is available

Although some reduction in timeliness is expected as a result of FV Court processes, the evaluation noted areas where efficiency could potentially be improved without compromising therapeutic engagement. For example, delays were observed across courts that were due to a lack of appropriate information being available at the time of the hearing. In some cases, the judge had not had a report back from the programme provider about defendant progress, or the victim impact statement was not supplied (or views from the victim were not available). This meant that cases sometimes had to be stood down or bail variations were not able to be considered, with next hearing dates often not being available for at least another six weeks. This can have a direct impact on defendants and their families and whānau, such as needing to wait this additional time before being granted a bail variation that allows them to contact their children. Introducing or strengthening processes to ensure the correct information is available and on file prior to each hearing could help to reduce the incidence of these delays. Some judges and defence counsel also suggested that applications such as bail variations could be considered by judges outside of court hearings to lessen this impact.

The referral process for non-mandated programmes also causes delays, as the defendant must wait for the referral to come back from processing before they can leave the court. This means that some people will leave before they have signed the document as they have been waiting too long, and this is often not identified until the next hearing. Again, developing processes to check on defendant progress or status in between hearing dates could address these issues with non-compliance at a quicker pace than is currently often the case.

Inefficiencies were identified when defence counsel and/or prosecution staff were not familiar with the FV Court process, suggesting the benefit of providing background information and a briefing on the court process to those who are new or unfamiliar with the operations of FV Courts.

The evaluation team observed courts running very smoothly and on time where there was an experienced team of court staff, and where it was evident that prosecution and defence counsel had worked together behind the scenes in preparation for hearings.

5.2. Victim safety

This criterion refers to there being reduced incidence or severity of recidivism of family violence offences, and victims and their families and whānau reporting feeling safer.

It is important to note that the quantitative analyses outlined in this section rely on official records of family violence offending, which likely under-count the true prevalence of family violence in the community. Additionally, these official records do not capture the lived experiences of victims and other family and whānau members, including their subjective feelings of safety. The results presented in this section should therefore be interpreted with these limitations in mind.

Exceeding expectations	Meeting expectations	Meeting some expectations	Not meeting expectations
FV Courts are significantly contributing to enhanced safety for victims of family violence and their families and whānau.	FV Courts are contributing to enhanced safety for victims of family violence and their families and whānau.	FV Courts are making progress towards achieving victim safety, but performance is lower than desired.	There is little evidence to show FV Courts are contributing to safety for victims of family violence and their families and whānau.

The FV Courts have a significant, positive effect on rates of family violence reoffending

Overall, the FV Courts were judged to be mostly “meeting expectations” in this regard, largely because of the quantitative analyses demonstrating a significant, positive effect of the FV Courts on rates of family violence reoffending.²¹ The FV Courts were judged to be “meeting” rather than “exceeding” expectations because it was felt that the relative and absolute size in the reduction of reoffending was relatively modest, and it could be argued that larger effects might have been expected given the length of time that the FV Courts have been established (10-19 years).

That said, we acknowledge the limitations of assessing victim safety through official records by placing a slight emphasis on the “meeting some expectations” performance level. Because the quantitative analyses outlined below relied on Ministry of Justice records of reconvictions for defendants, it is likely that the overall recidivism rates presented are an under-estimate of true family violence reoffending rates. This is because many instances of family violence are not reported to authorities, and a proportion of instances that are reported to authorities do not lead to a conviction.

This under-reporting may be exacerbated for victims who feel alienated, ignored or disregarded by the criminal justice system (see below). Importantly, the impact of under-reporting is likely to have less of a biasing effect on our analyses comparing reoffending rates between courts, assuming that all courts are equally affected by under-reporting. This means that we can perhaps

²¹ Note that due to small sample sizes, the effect on reoffending rates was not able to be robustly assessed for FV Courts individually. Differences across courts against this criterion were therefore not able to be judged.

have more confidence in the estimated relative reduction of reoffending for FV Courts than in the overall estimates of reoffending rates for the two types of court.

A consistent finding across all FV Courts and across staff and personnel is that there was not a sense of whether FV Courts are working to reduce the incidence or severity of recidivism. Many reported that they would like to see the numbers on this and had no perspective otherwise (although many expressed hope that the FV Courts were effecting positive change in this regard).

Analysis of administrative data showed that defendants in FV Courts were indeed significantly less likely to reoffend with a new FV offence than defendants in non-FV Courts, with reductions remaining relatively steady over time (from 19% to 21%); see Figure 1.²²

Regional comparison analyses suggested that these differences in recidivism rates could not be fully explained by regional differences in recidivism, with both non-FV violent offenders and serious fraud/theft offenders showing lower and often non-significant differences in reoffending rates between District Courts with dedicated FV Courts and those without (differences ranging from +6% to -7%).²³ This provides more confidence that the differences in family violence offending identified for the family violence cases are the result of the FV Court process, rather than regional variation in reoffending.

Defendants in FV Courts were also convicted of significantly fewer FV reoffences on average than defendants in non-FV Courts across all four time periods; relative reductions in the average number of FV reoffences were similar in magnitude to those found for the overall reoffending rates.²⁴ These findings indicate that FV Courts are contributing to increased safety for families and whānau.

Māori defendants also had a lower rate of family violence reoffending

This pattern of lower rates of family violence reoffending for all defendants in FV Courts was also found for defendants identified as Māori, with rates of family violence reoffending being approximately 16-20% lower for Māori defendants who appeared before a FV Court compared with those who did not.²⁵ This suggested that the FV Courts were also effective in increasing victim and broader whānau safety for Māori.

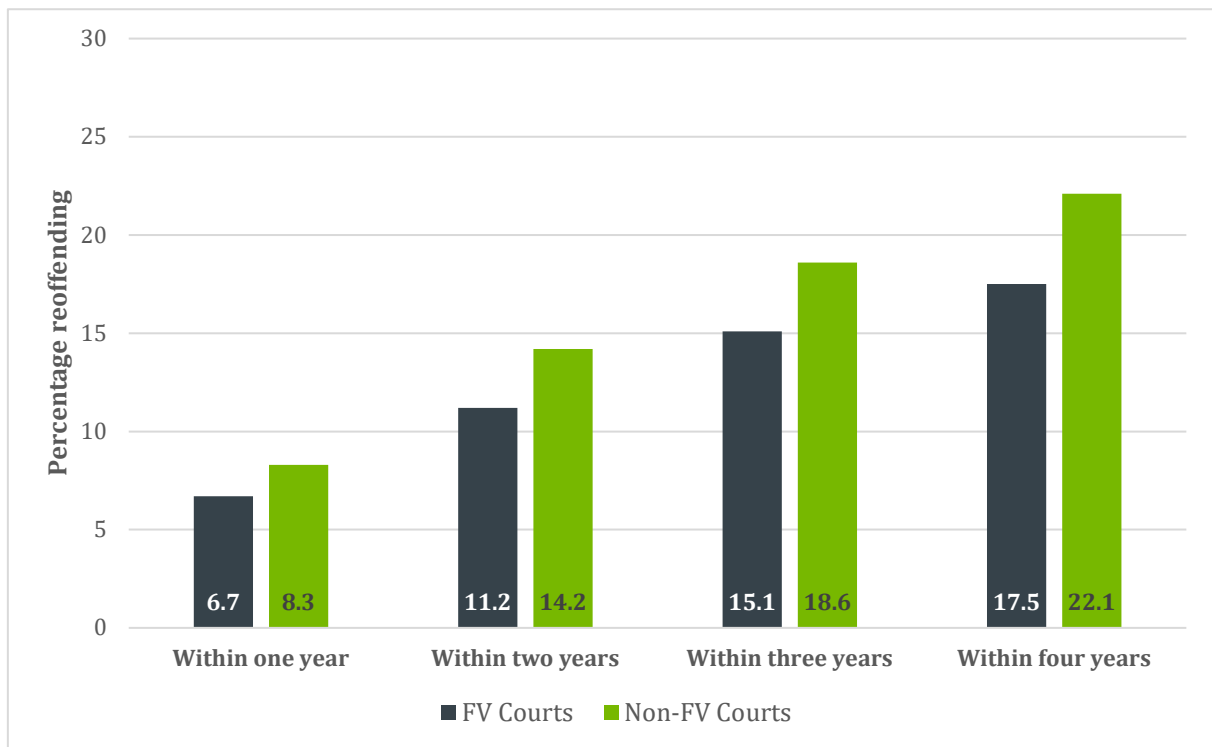
²² Full results provided in Appendix H, page 117.

²³ See Appendix D, page 90 for an explanation of the regional comparison analyses.

²⁴ Full results provided in Appendix H, page 119.

²⁵ Full results provided in Appendix H, page 118.

Figure 1. Percentage of defendants reoffending with new family violence offence



Victim engagement remains relatively low

Despite the promising results regarding reduced rates of family violence reoffending, many victims across the different courts choose not to engage in the FV court process. It is unclear how much support they are getting from Victim Advisors and wider court staff, and police to address safety needs. Some victims we spoke with felt ignored and hopeless throughout the process, as they felt disengaged and not valued by the system. In some cases, victims reported that they perceived the sentences delivered in the FV Courts to be too lenient, which made them feel that the violence they had experienced was not being taken seriously by the courts. This was a concern that was echoed by many of the Victim Advisors that we spoke with.

That said, some victims who did engage in the process shared that they had confidence in the process and would use the court process again should they need to. The positive experience of the court process for these individuals was often driven by the support and services provided by third-party providers and in some cases the Victim Advisors, rather than a direct reflection on the courts themselves.

5.3. Defendant changes

Defendant changes refers to defendants taking responsibility for their actions and demonstrating behavioural change.

Exceeding expectations	Meeting expectations	Meeting some expectations	Not meeting expectations
FV Courts are significantly contributing to family violence offenders taking responsibility for their behaviour and demonstrating cognitive or behavioural change.	FV Courts are contributing to family violence offenders taking responsibility for their behaviour and demonstrating cognitive or behavioural change.	FV Courts are making progress towards family violence offenders taking responsibility for their behaviour and demonstrating cognitive or behavioural change, but progress is slower than intended.	There is little evidence to show FV Courts are contributing to family violence offenders taking responsibility for their behaviour or demonstrating cognitive or behavioural change.

FV Courts appear to encourage increased rates of guilty pleas for proven cases

Overall, the FV Courts were judged to be “meeting expectations” for this criterion. This judgement was largely based on apparent behavioural change evidenced by the higher proportion of guilty pleas and lower rates of violent and non-violent reoffending for defendants appearing before FV Courts (outlined below), in addition to the lower rates of family violence reoffending (outlined in the previous section).²⁶ The evaluation was not able to directly assess any cognitive changes for defendants, due to the lack of suitable data.

The administrative data indicate that there may be some increased level of responsibility-taking for family violence defendants who appear in a District Court with a dedicated FV Court. A significantly higher proportion of FV offenders with proven cases pleaded guilty in districts where an FV Court is available, compared with districts where there is no FV Court available (92.9% versus 87.4%, respectively; 6.3% higher in FV Courts). Regional comparison analyses (provided in Appendix H, page 120) suggested that this difference was not just the result of regional variation in plea types, with non-FV violent offenders and serious fraud/theft offenders showing a comparative 3.0% and 0.9% higher rates of guilty pleas between court types, respectively.

That said, it was clear during defendant interviews that some defendants still took limited or no responsibility over their offending, and continued to minimise or deny the seriousness of the offending. This was a trend for those whose case was still before the court; the continued impact of the court in their lives and contact with their children often meant that they found it difficult to have closure. Also note that there may be other incentives for defendants to plead guilty and appear before a FV Court (e.g. the perception of an increased likelihood of receiving a more lenient sentence), and differences in guilty pleas are therefore likely to over-estimate changes in responsibility-taking.

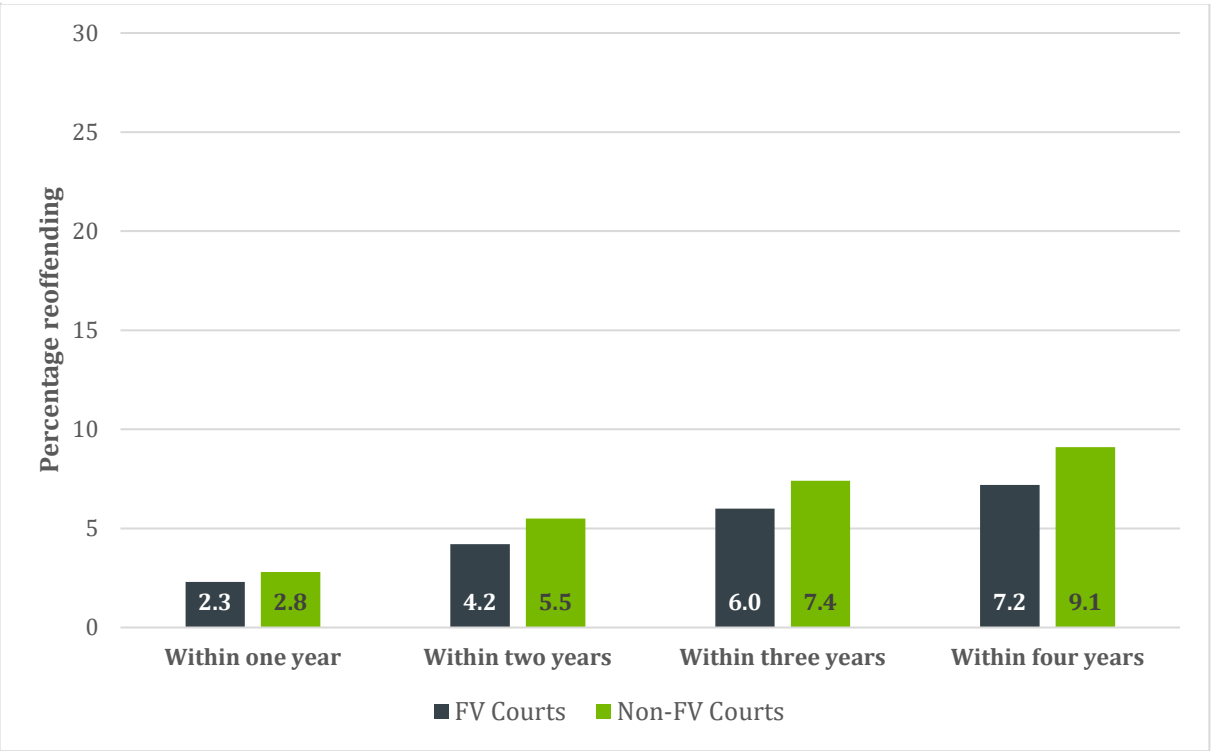
²⁶ Note that due to small sample sizes, the effect on reoffending rates was not able to be robustly assessed for FV Courts individually. Differences across courts against this criterion were therefore not able to be judged.

FV Courts appear to reduce the rate of non-FV violent reoffending and non-violent reoffending

Analysis of administrative data indicated that FV Courts appear to be having significant positive impact on overall defendant behaviour in terms of reducing rates of recidivism beyond family violence offending.²⁷

Defendants in FV Courts were significantly less likely to reoffend with a new non-FV violent offence²⁸ than defendants in non-FV Courts, with reductions remaining relatively steady over time (from 18% to 24%); see Figure 2. Notably, rates of non-FV violent reoffending were substantially lower than rates of family violence reoffending across all time periods. This suggests that individuals who engage in family violence are often only being convicted of violence within this family context, rather than engaging in broader patterns of general violent offending. Defendants in FV Courts were also convicted of significantly fewer non-FV violent reoffences than those in non-FV Courts.

Figure 2. Proportion of defendants reoffending with a new non-FV violent offence



Defendants in FV Courts were also significantly less likely to reoffend with a new non-violent offence (excluding breaches)²⁹ than defendants in non-FV Courts, with reductions again

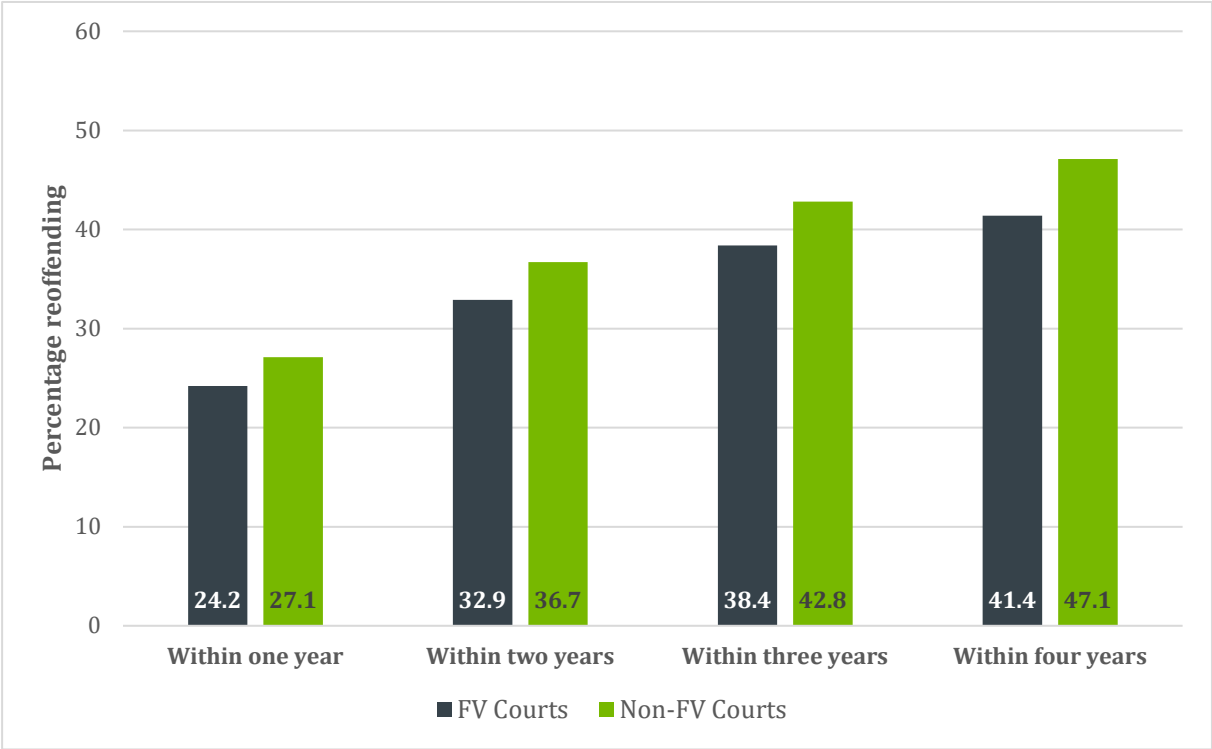
²⁷ Full results provided in Appendix H, page 117.
²⁸ Non-FV violent reoffending included proven charges that were not flagged as family violence-related, and were within the following ANZSOC categories: 011: Murder, 012: Attempted murder, 0131: Manslaughter (did not include ANZSOC group 0132: Driving causing death), 02: Acts intended to cause injury, 03: Sexual assault and related offences, 051: Abduction and kidnapping, 052: Deprivation of liberty/false imprisonment, 061: Robbery.
²⁹ Non-violent reoffending included proven charges that were not flagged as family violence-related, and which did not meet the definition of a non-FV violent offence as per the above definition.

remaining relatively steady over time (from 10% to 12%); see Figure 3. The observed relative reductions in reoffending were larger for family violence and non-FV violent reoffending than for non-violent reoffending; this is perhaps to be expected, given that the programmes that defendants are referred to often focus specifically on stopping violence rather than broader offending (although the strategies learned would likely have an effect on both types of offending, as evidenced by the reductions in reoffending across all types of offences). That said, rates of non-violent offending were substantially lower than rates of new family violence and non-FV violent reoffending; this suggests that for many family violence offenders, family violence is occurring within a broader pattern of general antisocial behaviour. This therefore raises the question of whether rehabilitation programmes that target broader offending behaviours should also be provided to defendants appearing before FV Courts (or whether broader criminogenic needs should be targeted within existing non-violence programmes).

As outlined in Section 5.2, regional comparison analyses suggested that these differences could reliably be attributed largely to the FV Courts rather than to regional variation in reoffending. Additionally, defendants in FV Courts were convicted of significantly fewer non-violent reoffences than those in non-FV Courts.

Third-party providers reported that change in defendant behaviour varies from person to person; this is supported by the administrative data, which show that a not-insignificant minority of defendants who appeared before the FV Courts still continue to reoffend after their case is completed, particularly with non-violent reoffences. Sometimes change is incremental, and this was seen by many third-party providers we spoke with as being “better than nothing”. For example, defendants will often attend the same programme multiple times and will get something more out of it each time; the fact that defendants are willing to return and repeat programmes arguably demonstrates the value that defendants see the programmes providing, and the level of rapport programme providers are able to build with defendants.

Figure 3. Proportion of defendants reoffending with new non-violent offence



Māori defendants also displayed lower rates of non-FV violent and non-violent reoffending

The patterns of reduced non-FV violent reoffending rates and non-violent reoffending rates for family violence defendants who appeared before a FV Court were also identified for defendants identified as Māori. The relative size of these reductions were again comparable to those found for the total sample, ranging from 19-21% for non-FV violent reoffending, and 7-9% for non-violent reoffending.³⁰

5.4. Case outcomes

This section considers differences in case outcomes for defendants appearing before the FV Courts and non-FV Courts, including rates of discharge without conviction, and the type and length of sentence outcome.

Defendants are more likely to be discharged without conviction in FV Courts

Administrative data show differences in case outcomes and sentencing outcomes between FV Courts and non-FV courts.³¹

As shown in Table 2 below, defendants with proven cases who pleaded guilty were significantly more likely to be discharged without conviction in FV Courts than non-FV Courts (160% higher proportion in FV Courts). This also led to a 13% lower proportion of cases resulting in a conviction in FV Courts than non-FV Courts, although rates of diversion were relatively consistent between court types.

Regional comparison analyses suggested that these differences could not be attributed solely to regional variation in case outcomes; although non-FV violent offenders and serious fraud/theft offenders were also more likely to be discharged without conviction and less likely to be convicted in District Courts with a dedicated FV Court compared to those without, these differences represented a difference of around 80-85% in discharges without convictions and a difference of around -3-5% in convictions in both cases. Because these are smaller relative differences than that seen for family violence defendants, it suggests that at least part of the differences in case outcomes seen for family violence defendants can be attributed to FV Court processes.

Table 2. Percentage of family violence defendants receiving each case outcome type, by court

Case outcome	Non-FV Courts	FV Courts	% diff ³²	pp change
Convicted	90.6	78.9	-13%	-11.6
Discharge without conviction	7.2	18.7	160%	11.5
Diversion ³³	2.2	2.4	5%	0.1

Note: pp = percentage point.

³⁰ Full results provided in Appendix H, page 118.

³¹ Full results provided in Appendix H, page 121.

³² In all tables, “% diff” refers to the relative percent change in the outcome for the FV Court defendants compared to the non-FV Court defendants.

³³ Diversion relates to Adult Diversion, whereby the Police Prosecutor withdraws charges and cases are instead dealt with outside of the formal court process.

The higher proportion of defendants receiving a discharge without conviction in FV Courts is likely related to defendants' increased engagement in non-violence programmes and other services as part of their involvement in the FV Courts. Progress in non-violence services is a key factor that is tracked during the judicial monitoring stage of the FV Court process, and many court staff we spoke with acknowledged that positive progress in these programmes often meant that defendants were more likely to receive a discharge without conviction. However, this direct relationship was not something explicitly explored in our analyses.

Māori defendants were also more likely to be discharged without conviction, although to a lesser extent than all defendants

Further analyses identified similar patterns in case outcomes for defendants identified as Māori, with those who appeared before the FV Courts being 6% less likely to be convicted than those who appeared before a non-FV Court, and more likely to be discharged without conviction, or receive diversion (13% and 43% more likely, respectively).³⁴ Notably, the relative difference in the proportion of Māori defendants who were convicted in the FV Courts compared to non-FV Courts was around half the size of the relative difference seen for all defendants (6% lower for Māori, compared to 13% lower for all defendants). Our analyses did not explore the potential drivers of this difference.

Defendants in FV Courts are more likely to be sentenced to community detention or “other” sentences, and less likely to be sentenced to community work or monetary sentences

Additionally, as shown in Table 3, there were significant differences in the most serious sentences given to convicted offenders in FV Courts, compared with those in non-FV Courts. Those in FV Courts were *more* likely to be sentenced to home detention, community detention, intensive supervision, or to have their sentence deferred or no sentence recorded. Conversely, those in FV Courts were *less* likely to be sentenced to imprisonment, community work, supervision, or receive a monetary sentence. Additional analyses found similar results for defendants who identified as Māori, with similar patterns across all sentence types apart from supervision, which was 4% *more* likely to be received by Māori defendants appearing before the FV Courts than the non-FV Courts.³⁵

Regional comparison analyses suggested that most of these differences in sentencing outcomes could be attributed to regional variation in sentencing, with many of the differences falling within the range of variation in sentencing outcomes identified for non-FV violent offenders and serious fraud/theft offenders.³⁶ That said, a small number of sentence types appeared to be more or less common for family violence offenders appearing before the FV Courts than could be explained by regional variation. These included the lower proportion of defendants sentenced to community work and monetary sentences, and the higher proportion of defendants sentenced to community detention, “other” sentences or no sentence recorded.

Our analyses are not able to determine the specific cause of the differences in some of these sentencing outcomes, although it is important to note that these analyses compared defendants who received a conviction. It may therefore be the case that defendants who would otherwise

³⁴ Full results provided in Appendix H, page 121.

³⁵ Full results provided in Appendix H, page 122.

³⁶ Full results provided in Appendix H, page 122.

receive community work or monetary sentence in a non-FV Court are more likely to receive a discharge without conviction in a FV Court. This hypothesis was not able to be tested with available data, however.

Table 3. Percentage of defendants receiving each sentence type, by court

Sentence type	Non-FV Court	FV Court	% difference	pp change
Imprisonment	12.9	12.0	-7%	-0.9
Home detention	3.8	4.0	6%	0.2
Community detention	5.4	7.5	38%	2.0
Intensive supervision	5.2	7.6	46%	2.4
Community work	28.3	23.3	-18%	-5.0
Supervision	18.9	18.2	-4%	-0.8
Monetary	9.8	5.8	-40%	-3.9
Deferment ³⁷	12.3	15.6	27%	3.3
Other ³⁸	1.1	1.2	11%	0.1
No sentence recorded ³⁹	2.4	4.9	100%	2.5

Note: pp = percentage point.

Relatedly, court staff and lawyers that we spoke with across courts (including court takers and registrars) indicated that inconsistencies between judges also impacted on sentencing outcomes, although this is also the case in non-FV Courts. Court staff reported that not all judges bring the same focus on people and on defendant engagement, often because of resource-related pressures. It was felt that when a non-FV judge comes into a FV Court – for example to cover leave of the primary FV Court judge – they can disrupt the flow of the court through not enough exposure or understanding around the dynamics of family violence. This meant that in some cases they would decline to follow the sentencing indication that had been provided by the primary FV Court judge, which leads to confusion and disappointment for defendants.⁴⁰

³⁷ Includes 'to come up for sentence if called upon'.

³⁸ Includes orders related to driving (e.g. disqualification from driving, alcohol interlock order, zero alcohol order, attend driving course), orders related to forfeiture and confiscation (e.g. forfeiture, confiscation of motor vehicle, prohibition of interest in motor vehicle, destruction of animal), Final Protection Order (Sentencing Act), Child Protection Register, and 'committed to a facility on conviction'.

³⁹ Includes where a person has been 'convicted and discharged' and where a person has been ordered to pay court costs.

⁴⁰ In the event that a judge declines to follow the sentencing indication, the defendant has the opportunity of going back before the original judge or vacating the guilty plea.

FV Courts do not appear to be related to differences in sentence length

There was no significant difference in sentence length for family violence defendants who were sentenced to imprisonment between FV Courts (average sentence = 337 days) and non-FV Courts (average sentence = 334 days).⁴¹

Significant differences in sentence length were identified between defendants appearing in FV and non-FV courts for other sentence types, including home detention (5% longer in FV Courts), community detention (3% longer in FV Courts), intensive supervision (15% longer in FV Courts), supervision (6% longer in FV Courts), and community work (7% shorter in FV Courts). However, regional comparison analyses suggested that differences across all these sentence types could not be reliably attributed to the FV Courts. This is because there were also significant differences in these community-based sentence lengths for non-FV violent offenders and serious fraud/theft offenders that were of a similar magnitude to that seen for family violence offenders. This indicates that regional differences in sentencing practices could have influenced these differences, rather than the FV Courts themselves.

These findings suggest that although there may be differences in some types of sentences given to family violence defendants in FV Courts compared to non-FV Courts, there does not appear to be a difference in the length of sentences given to defendants in the different courts.

5.5. Unintended outcomes

Victims can feel invalidated by the FV Courts process

The focus on the defendant in court can feel invalidating for the victims, particularly when the defendant receives a reduced sentence. A number of victims reported that this made them feel that the FV Court did not consider the abuse and trauma they experienced to be as serious as it was. This is particularly prominent when the victim has not been involved in the court proceedings, and if they have not received any additional support from the courts. As outlined in Section 2, it is relatively common for victims not to be engaged in the FV Courts process. This means that they are left unclear on the purpose of the courts, and the way in which defendants are held accountable within the therapeutic environment of the FV Courts.

The length of the FV Court process may increase the risk of bail breaches

Many third-party programme providers, court staff, and lawyers that we spoke with noted that the longer the defendant is on judicial monitoring, the more likely they are to breach bail and then be back in court again.⁴² As noted above, the FV Court process can take months or years to complete, which can put strain on the victim and their family or whānau, particularly where there are financial issues or problems arranging safe visitation with children. This can often provide a strong motivation for perpetrators to resume contact with their family or whānau, despite bail conditions.

Family violence is nuanced and complex, and many victims report a desire to remain with the perpetrator and to support the perpetrator to change their behaviour. Third-party providers

⁴¹ Full results related to sentence length provided in Appendix H, page 124.

⁴² The current evaluation did not quantitatively assess whether there were significant differences in rates of bail breaches between FV and non-FV Courts. Further analysis is required to determine if rates of bail breaches are higher in FV Courts.

indicated that there is an increased, unmet need for services such as couples counselling that can meet these wishes in a safe way.

The length of the FV Courts process can also impact employment

As with all other courts, people's lives are being disrupted when they, or their family or whānau members, are required to appear before court. The increased time and number of appearances associated with the FV Courts, particularly during the judicial monitoring phase, places large expectations on defendants to take time off work or other commitments. Defendants, lawyers, and third-party programme providers acknowledge that this expectation is disruptive to peoples' jobs and livelihoods, and can often put them in more hardship. This was particularly salient in the post-COVID environment of general employment insecurity. Although these short-term effects on employment are salient for defendants and their families or whānau, the lower rates of conviction in the FV Court may offset this effect in the long-term, given the acknowledged impact that convictions have on long-term employment prospects.

5.6. Enablers and barriers to achieving intended outcomes

Key enablers include quality of third-party provider services, relationships, identification of needs, and prospect of a discounted sentence

The evaluation found that the key enablers of the FV Courts achieving intended outcomes include:

- The quality and accessibility of service provided by third-party providers. This process starts from when providers are present in the court room, through to the location of the provider and the delivery of the programme in a way that meets the individual needs of defendants.
- Relationships that providers build with families and whānau are critical. Some victims reported that they had been in the FV Court multiple times with their partner, and that they found the process helpful and would come back again if they needed more support. This was often on the basis of support they had received from third-party providers to understand the process, and to work on any needs they might have.
- Correctly identifying the holistic needs of family and whānau (i.e., not just risk and safety needs) is another key enabler of positive outcomes. Having CLiC services available has a remarkable impact on families and whānau, who often have financial pressures which can exacerbate some of the offending or motivate bail breaches. When the defendant has had a thorough assessment by a forensic nurse or been to an intensive programme that focuses on the root causes of the offending, this is more likely to have lasting impacts on families and whānau.
- The prospect of a discounted sentence can sometimes encourage engagement with providers. For some defendants, this leads to genuine engagement with the service over time, as they begin to understand how the programme can help them and their family or whānau. Others will view programme engagement as a tick box exercise and try to play the system by receiving a discounted sentence without real cognitive and/or behavioural change. Without the providers in court, this can sometimes get missed when it comes to the point of sentencing as the reports provided by the programme providers are often not detailed due to privacy and confidentiality concerns, and resourcing constraints.

Key barriers include disruption to lives, the delay between the incident and court appearances, and victims not feeling safe to share their views

Key barriers of the FV Courts achieving intended outcomes include:

- As outlined above, the court system is hugely disruptive for families and whānau who need to take time off work and sometimes organise childcare in order to appear. This can be a barrier to consistent and meaningful engagement in the FV Courts, and can be a source of stress for defendants and their family or whānau.
- The evaluation found that the time lag between the initial incident and the hearings is often cited as a barrier for engagement in the court system, especially for victims who do not want anything to do with the case and want to see it dealt with as quickly as possible. The time lag can be retraumatising for many victims, and can cause victims to withdraw their support for the prosecution. Some court staff we spoke with felt that some defendants were deliberately exploiting this by opting for court pathways that were likely to increase the length of the case, thereby increasing the likelihood that their victims would disengage from the process. The delay between the incident and the first appearance in a FV Court also means that the primary window can be missed where defendants acknowledge the need to change and are willing to accept help.
- Victims and Victim Advisors we spoke with indicated that the victim impact statement is often a barrier to victims participating more fully in the court proceedings. Victims are often worried by the fact that the statement will be seen by the defendant, which can have serious ramifications for their safety. This means that victims do not always feel comfortable or safe to share their real thoughts and experiences in the victim impact statement or in their views presented to the court, leading to an incomplete or inaccurate picture being relayed to the judge and others involved in the case.

6. WHAT ARE THE IMPACTS OF THE FV COURTS ON STAKEHOLDERS (INCLUDING FAMILIES AND WHĀNAU)?

As noted earlier in this report, evaluation questions relating to cost-effectiveness and cost-benefit analysis have not been included in this section because of data limitations.

The evidence in this section primarily comes from interviews undertaken in the four FV Court deep dives.

6.1. Impacts on families, whānau and wider communities

The court process is disruptive to families and whānau, and the wider community

The wider impact of the court process (not only FV Courts) is disruptive to families and whānau, and their wider community. In particular, the impact on both defendant and victims' employment was raised by many due to attending non-mandated programmes referred to by the FV Court, and the hearings themselves. Some families and whānau reported that they felt unable to explain why they needed so much time off work to take their children/themselves to programmes at service providers for the wider family as a result of being exposed to the violence from the defendant. The time scheduling of these programmes is also a barrier to engagement in some cases (e.g. children's programmes during school hours).

Some stakeholders, including defendants, third-party programme providers, and lawyers, observed that the lack of clarity regarding the court process for defendants who have a "no contact" bail condition caused concern and anxiety amongst defendants who had little to no contact with their children. Several families and whānau also acknowledged the impact of having the defendant away from the home, due to the additional pressures of effective sole parenting and all that that brings, the psychological damage that victims face, and the added stress of losing the breadwinner of the household.

6.2. Impacts on court staff and third-party providers

Courts are run more efficiently where there are dedicated court staff and judges

Many FV Courts (e.g. Auckland, Manukau and Palmerston North) have created dedicated roles for staff who work in the FV Courts. Examples of this include having a Court Registry Officer whose portfolio includes managing all cases related to FV Court. This approach was very effective in maintaining consistency and ensuring that the correct information was available for the cases in the FV Court. Some court staff also suggested that having a consistent judge for FV Court hearings makes a remarkable difference in the running of the court, and helps to ensure that the judge understands the complexity and nuances associated with family violence cases.

Funding structures can impact on third-party service delivery

Service providers agreed that the FV Courts are a key source of income for their organisation, through referrals and targeted funding. However, third-party providers across the regions reported that the competitive nature of the funding structure was not conducive to cooperation or collaboration amongst providers. This can negatively impact on families and whānau who do not get the best services to meet their needs because of this dynamic.

Many providers also noted that the contracts used by the Ministry of Justice were relatively inflexible compared to contracts they held with other agencies, which left large gaps in required services for the families and whānau they worked with. An example of this was the requirement that victims require a Protection Order to qualify for a Ministry of Justice-funded safety programme. This was a barrier to support for many victims, and providers had to juggle different contracts and funding in order to meet the needs of these victims (or turn them away).

The centralisation of the National DV Programmes team has an impact on providers attending court

As noted earlier in this report, many third-party programme providers reported that having a National DV Programmes team managing the referrals from the FV Courts meant that they saw it as a waste of time to sit in court sessions. This is because there is no incentive for them to be there, as they will get referrals (or not) regardless of whether they are in court. Third-party providers are not funded by agencies to attend court sessions, so whereas a potential increase in referrals justified this use of time and resource in the past, this was no longer justified under the centralised model.

The unintended impact of this change is that third-party programme providers, including non-violence programme providers, are not connected in with what is going on with the FV Court, and in turn, the FV Court has less community involvement. This also makes it harder for judges to elicit information about defendants and their progress in programmes during court hearings, or to directly engage with providers about whether their services might be appropriate for particular defendants. This was a consistent finding across all sites visited.

7. EVALUATION IMPLICATIONS AND CONCLUSIONS

This section provides a summary of findings against the seven FV Courts objectives, as well as lessons learned and findings related to the future design, delivery and support of the FV Courts. It draws on the evidence and insights gathered across all the key evaluation questions.

7.1. Assessment against key objectives

There is some indication that the FV Courts are getting offenders to take responsibility for their actions

Quantitative analyses suggest that FV Courts may encourage individuals with proven cases to plead guilty, which may indicate increased level of responsibility-taking. However, many of the defendants we spoke with continued to minimise or deny their offending, despite pleading guilty. Some of the victims we spoke with also felt that defendants were treating the courts as a “tick-box exercise” in order to receive a reduced sentence, and that they did not demonstrate remorse about their offending.

These findings indicate that there may still be room for improvement in respect to the FV Courts encouraging responsibility-taking. That said, many of the programme providers we spoke with indicated that this is a process that takes time. Although defendants may initially engage in services for self-motivated reasons, real cognitive change can occur after rapport and whakawhanaungatanga is built between providers and families and whānau, and defendants begin to see the benefit of services for themselves and their family or whānau.

The FV Courts appear to be improving victim safety and reducing reoffending

The results of the quantitative analyses outlined in Section 5 indicate that the FV Courts are contributing to increased safety for families and whānau, and therefore the wider community. This conclusion is based on the lower rates of reoffending identified for family violence defendants who appear before FV Courts compared to non-FV Courts.

That said, it is important to note that family violence that is not reported to authorities or reports that do not lead to convictions are not included in these analyses. It is also important to recognise that although reoffending is *lower* among defendants appearing before a FV Court, approximately a fifth of defendants who appeared before an FV Court were re-convicted for a new family violence offence within four years. This indicates that there is still room for the FV Courts, and wider family violence response system, to improve in terms of its effectiveness in increasing family and whānau safety.

Reductions in reoffending were also found for non-FV violent offences and non-violent offences for defendants who appeared before the FV Court, compared with those who did not. This indicates that FV Courts may also be having an impact on contributors to broader offending, having further positive impact on families and whānau, and their communities. That said, the relative difference in reoffending rates appeared to be greater for violent than non-violent crimes. This suggests that there may be greater scope to provide offender rehabilitative services addressing more holistic needs that contribute to offending, rather than only providing non-violence services as is predominately the case currently. This could include more generic cognitive-behavioural programmes addressing emotion management and interpersonal skills, or

programmes that support individuals to gain education or employment. Services that treat drug and alcohol use issues were also noted as not being able to meet current levels of demand.

There are some gaps with families and whānau receiving the right support and information

There is little evidence of families and whānau being supported through the FV Court system. At the time of the evaluation, there were only three courts that had a specific role to support people who come to the court and guide them through the processes. Lawyers made an effort to alert the judge when families and whānau were present in the court proceedings, and judges would interact with them as part of the proceeding. Restorative justice is available at three of the courts, but does not have a high completion rate. There are no other initiatives to support families and whānau to receive the right support or information, and a notable lack of services and supports tailored for children.

The FV Courts are not reducing the time it takes for family violence cases to be heard or disposed

Analysis of administrative data indicated that the FV Courts are not reducing the amount of time it takes for family violence cases to be heard or disposed. Comparisons on the time it takes for cases to have a plea entered (interim disposal) showed that this stage typically takes longer in FV Courts compared with non-FV Courts, although this largely appeared to be a result of regional differences between courts. In other words, cases in District Courts that had dedicated FV Courts tended to take longer to reach a plea-entered stage in general, compared with cases appearing in other District Courts. This may indicate issues with case volumes and appropriate resourcing at the District Court level, rather than being attributable to the FV Court process. Notably, however, this still means that the FV Courts do not meet the objective of *reducing* the time it takes for cases to progress through this stage.

The FV Courts were, however, associated with substantially longer times to progress from entering a plea to sentencing or case closure (final disposal), with cases taking approximately twice as long to progress through this stage in FV Courts compared with non-FV Courts. This difference was not accounted for by regional differences, and is likely a result of the judicial monitoring process that is core to the therapeutic FV Court model. This therefore raises the question of whether the current FV Court objective related to timeliness is still fit for purpose, or whether this objective needs to be amended to better reflect stakeholders' expectations of the court.

In considering the relevance of this objective, it is important to acknowledge the disruption that lengthy court processes have on families and whānau, particularly where there are children involved and visitation is either not allowed or difficult to arrange. However, many stakeholders across the different courts noted the importance of the judicial monitoring process in keeping defendants accountable, and providing an incentive to continue engagement in the change process. There are also instances in which these unintended or negative impacts on families and whānau are exacerbated by the right information not being available at the time of the hearing. There is, therefore, an opportunity for processes to be streamlined and the negative impacts of the courts to be lessened, while still maintaining the crucial judicial monitoring phase of the FV Courts.

FV Courts acknowledge and respect cultural values but are not particularly responsive to cultural needs of individuals and their families or whānau

At a broad level, many FV Courts operate in ways that acknowledge and respect power relations, cultural differences, and people's rights, and judges and staff engage in ways that are mana-enhancing. This is significant and provides a strong foundation for cultural responsiveness. However, beyond the incorporation of some te reo, karakia, and tikanga Māori values, and the use of translators where needed (all of which are, reportedly, incorporated to a degree across non-FV Courts), there do not appear to be any specific mechanisms through which cultural needs are identified for each defendant and their family or whānau.

Some culturally appropriate services are available for Māori and to a more limited extent for Pasifika, but there is a large gap for groups such as Asian, Middle Eastern, and African services in many areas. Notably, defendants are reportedly often referred to these culturally-specific services on the basis of their last name only, rather than through a holistic assessment of their cultural needs and their own preferences in this respect.

The impact of the FV Courts on cognitive behavioural change in defendants is currently unknown

Cognitive behavioural change in defendants was not able to be assessed in the current evaluation, beyond an assessment of reoffending rates. This is because of the lack of available data measuring cognitive behavioural characteristics before and after engagement in the FV Court (e.g. attitudes and cognitions supportive of family violence offending; victim and broader family or whānau reports of offender behaviour). Future research that directly assesses these changes, including from the perspective of victims and other family or whānau members, would be valuable.

7.2. Critical success factors and insights

In conclusion, the evaluation has identified critical success factors for the FV Court model, overall strengths (and how these can be replicated) and areas for improvement, and the barriers to implementing the FV Court guidelines.

7.2.1. Critical success factors

- A major critical success factor is the high commitment of judges and court staff in the FV Courts, to see the FV Court as a different type of court to the other lists and to try to run by the FV Courts' guiding principles. There was greater success in running the FV Court in areas where there was a champion who understood the intricate dynamics of FV cases. Judges and staff who understood how perpetrators can try to manipulate court systems to continue their abuse and/or control of victims (e.g. by attempting to prolong or delay court processes) were key to the courts' success.
- Communication between the courts, third-party providers, and victims and defendants were identified as a critical success factor by many stakeholders. By all parties knowing what was going on in a case and having up to date information when they needed it, there was greater ownership of and investment in the process and outcomes of the court.
- The availability and accessibility of services provided by the third-party providers is also critically important. As mentioned, programmes that are scheduled during work hours have a major impact on peoples' employment, so those that are delivered in the evenings,

for example, are more widely attended and have less of an impact on work. Similarly, services that are located a distance from town are difficult for people to reach due to the barrier of transport. Thus, having services geographically close together is a strength.

- Relatedly, the cultural responsiveness of the FV Courts is essential to ensure engagement for all defendants. Mana maintaining/enhancing and humanising practices are core to this success factor, including being respectful of other people's cultures, religions, beliefs, and world views. This includes court staff understanding the social and cultural context of the people in their communities, and providing culturally appropriate resources or services in court, such as translators.
- Having courts and a judiciary that reflect society's diversity and inclusiveness, were also noted as factors that are highly meaningful for defendants and other family and whānau members attending court, and also contributes to the overall cultural competency of the courts. More specific cultural needs of defendants could potentially be assessed and met outside of FV Courts through third-party providers, however this would require a more comprehensive referral process to identify culturally-specific services that are appropriate for each defendant and their family or whānau.
- As discussed earlier, to a considerable extent, the success of the defendant in changing their behaviour comes down to their own willingness to front up and own up to what they have done. Many stakeholders, including the defendants themselves, spoke about the importance of timing in these matters; that it sometimes does not matter what the design of the system is, but that it comes at a time when the defendant is willing to change and has made that decision themselves. Tailored counselling and programmes that are culturally appropriate can aid in this journey, but ultimately it is a personal decision to be accountable.
- Judges, court staff, prosecutors, and defence counsel having a manageable workload makes a large difference to the success of the court, as it allows them to focus on the case at hand. When they are focused and present to the person in front of them, the process during the court is more therapeutic.

7.2.2. Key strengths and weaknesses of the FV Courts process

Key strengths include:

- Within some courts, there were dedicated staff and consistency in the judge(s) and they worked cohesively as a team and were familiar with the nuanced patterns, behaviours and interactions associated with family violence.
- Through observations and stakeholder interviews during the initial site visits, it was evident to the evaluation team that people who work in the FV Courts generally believe in what the courts are doing and are committed to realising positive outcomes for families and whānau engaged with the courts.
- There is more incentive for defendants to change their behaviour due to the prospect of a reduced sentence⁴³ and support available to them through the programme providers.

⁴³ Through the consideration of mitigating factors, such as programme completion, during sentencing.

- Services such as CLiC and restorative justice sitting in the court room allow for other needs of families and whānau to be addressed within the court setting.
- A guide-type role within the courts allows for families and whānau to be helped through the process and directed to the services available to them.

Key weaknesses include:

- Several stakeholders shared that there is less attention paid to the victim and their experiences through the court process, as is common across typical criminal courts. If the defendant is discharged without conviction at the end of the process, the victim can often be left feeling isolated and undervalued, especially if they have not been engaged in the court process.
- The inconsistency of judges presiding over the FV Courts is a weakness of the system as it can lead to differences in sentencing outcomes.
- There is a current lack of focus and/or resourcing for some of the common needs and challenges that defendants, victims, and their families and whānau present with, including mental health and children's needs. Many interviewees (including third-party providers, defendants, and victims) noted the traumatic impact that family violence has on children, including the direct negative effects of being exposed to violence as well as the negative consequences of a parent being absent from the home. There is a greater need across all regions visited for family-centric services that take a whole-of-family approach to addressing and preventing family harm.

7.2.3. How key strengths can be replicated across courts

A number of stakeholders engaged in the evaluation, including judges and other court staff and staff at the Gisborne Family Harm Intervention Court and Te Kooti Matariki, noted that an individualised assessment of the needs of the local community should be conducted in determining the design and delivery of each FV Court; what works in one location will not necessarily work across all locations. That said, a number of ways in which the key strengths identified in the FV Courts system could be replicated across courts were identified:

- Provision of CLiC services in all courts would be beneficial, as financial stressors can underpin many types of offending.
- Creating a court guide role across all courts will allow for families and whānau to be better supported through the court process.
- Regular training in FV dynamics could be implemented across all courts, as there are nuances within FV that can go undetected and be exacerbated through lack of knowledge.
- Dealing with bail variations, etc outside of hearings, to lessen the impact of lengthy judicial monitoring phases.

7.2.4. Barriers and opportunities to implementation of the FV Court guidelines

A number of key barriers in effectively implementing the *FV Courts National Operating Guidelines* were identified in this evaluation; identifying and responding to these barriers may provide opportunities to strengthen FV Court processes and better meet the needs of defendants, victims, their families and whānau, other court stakeholders, and the wider community.

- Socialisation of the guidelines: the FV Court guidelines are not widely socialised, and as such, those stakeholders who had not been involved in the FV Courts from the inception of the pilot were unfamiliar with them.
- Case volume: the high demand and volume of cases makes the therapeutic court process an unattainable goal for many FV Courts. While some courts approximate the therapeutic process, these courts were still noticeably less therapeutic in style than the Gisborne Family Harm Intervention Court and Te Kooti Matariki.
- Consistency: inconsistency in judges presiding over each case is a key barrier for consistency of the judicial monitoring process, engagement during hearings (currently key for identifying defendant needs), and sentencing outcomes. This leads to large variations in how each case is managed, the services provided to different defendants, and, ultimately, types of sentencing outcomes.
- Communication and collaboration:
 - Although collaboration between court staff appears to be working well, improvements could be made to communication and collaboration between courts and local third-party programme providers. For instance, providers are sometimes already working with a family or whānau who are then referred to a new provider by the National DV Programmes team. Due to post-COVID changes, providers reported that they are also now unaware of how many defendants have been referred to them by the courts, until the defendants phone to make an initial appointment with them.
 - As per legislative requirements, there is no automatic information sharing between the Family Court and the FV Court. Many referred to this as a barrier to the FV Courts gaining a full understanding of each case, as there was often contextual information missing in the FV Court that would lead to better-informed monitoring and sentencing. Staff at one of the courts that is part of the Family Violence Bail Summary Report (FVBSR) initiative noted that the Judge's pack was useful for providing this more contextual information, in addition to the information routinely provided on criminal history.
 - The language that is used within the court should be plain English so that defendants and families and whānau can understand what is going on. Although this was occurring sporadically in some courts, complicated language was still being used in many cases, particularly where communication was limited to being between the judge and defence counsel (e.g. Waitākere FV Court, or in cases where the defendant appearing before the FV Court had pleaded not guilty). If legal terms need to be used, there should be a process whereby the judge checks in with the defendant and explains the implications of what was just discussed, as is the case in the Gisborne Family Harm Intervention Court and Te Kooti Matariki.
- Community involvement: there is limited incentive for programme providers to be in court, as they will get the referrals and funding regardless of their presence in the court room. Stakeholder hui provide an opportunity for key players in the FV Courts to come together and discuss different matters, however, these meetings have stopped in most

regions. Because of this breakdown in the level of involvement of stakeholders in the community, when speaking with participants based in the community (e.g. programme providers, and families and whānau), many were unaware of the dedicated FV Courts as being distinct from a general criminal court, and what the aims of the FV Courts were.

APPENDIX A – DETAILED EVALUATION QUESTIONS

KEQ1: How does each FV Court operate?

- What are the operating priorities of each FV Court?
- What processes and activities are used in each FV Court to support these operating priorities?
- To what extent are the FV Court processes being implemented as intended?
- What is the role of, or service provided by, the third parties (e.g. service providers) involved in each FV Court, and how are they managed?
- What do referral and access pathways look like for providing additional assistance (i.e. through third parties)?
- What other family violence initiatives operate in District Courts that have implemented in FV Courts?
 - To what extent do they impact on the intended outcomes of the FV Courts?
- How does each FV Court assess and consider the risk and safety of individuals and families and whānau?
- How does each FV Court assess and consider the needs of families and whānau, including children and young people?
- What are the costs associated with running each FV Court?

KEQ2: How effective are the FV Courts' processes and activities?

- How responsive are the FV Courts to the needs of families and whānau, including children and young people?
- To what extent are the FV Courts operating in a culturally competent and safe manner?
- To what extent are the processes of each FV Court suited to the needs of their communities?
- To what extent do the FV Courts' processes support the safety, autonomy and rights of offenders, victims, families and whānau?
- To what extent are the FV Courts appropriately resourced to successfully implement intended processes?
- How well do personnel involved in the FV Courts communicate and collaborate internally, and with service providers/ third parties?
- How well do FV Court and third-party referral and access pathways work to meet the needs of families and whānau?
- To what extent are offenders engaged in FV Court processes?
- What are the key enablers of, and barriers to, effective implementation of the FV Courts' intended processes and activities?
- What are the underlying drivers of case outcome variations across FV Courts?

KEQ3: To what extent have the FV Courts achieved their intended outcomes?

- To what extent are cases more efficiently processed at key stages in the FV Courts?
- To what extent do FV Courts reduce the incidence or severity of recidivism and increase family and whānau safety?
- To what extent do FV offenders who go through the FV Court process take responsibility for their actions?
- To what extent do FV offenders who go through the FV Court process demonstrate cognitive/behavioural change?
- To what extent are sentencing outcomes of family violence offences different for FV Courts compared to non-FV Courts?
- What, if any, are the unintended outcomes of the FV Courts, and who is affected by these outcomes?
- What are the key enablers of, and barriers to, FV Courts achieving their intended outcomes, and to what extent do these differ between FV Courts?

KEQ4. What are the impacts of the FV Courts on stakeholders (including families and whānau)?

- How cost-effective are the FV Courts? (i.e. cost-benefit analysis)
- What impact have the FV Courts (including processes e.g. monitoring, sentencing, and outcomes) had on families and whānau, and wider communities?
- What impact have the FV Courts had on Court staff and service providers/third parties?
- Have there been any unintended impacts of the FV Courts?

KEQ5. What can be learned from the FV Courts?

- What are the critical success factors of the FV Courts? To what extent do the critical success factors contribute to the intended outcomes?
- What are the key strengths and weaknesses of the FV Courts?
- How can identified strengths be replicated in non-FV Courts?
- What are the barriers (if any) to the implementation of the FV Court guidelines?

APPENDIX B – EVALUATION RUBRIC

The rubric below establishes the standards against which aspects of the FV Courts’ effectiveness and outcomes were evaluated. The criteria were informed by inputs, activities, outputs and outcomes identified in a draft programme logic model for FV Courts that was developed by the evaluation team in consultation with the Ministry of Justice and agreed in an *Evaluation Plan*. Information collected in the initial site visits, the four ‘deep dives’ and from administrative data was assessed using this rubric to arrive at evaluative judgements or conclusions about the FV Courts in relation to each criterion. The assessment process involved assessing evidence against the “meeting expectations” standard, and then assessing whether, on balance, the judgement was better defined by the standard to the left or right of this. This process was completed as a team exercise whereby we debated the evidence for and against each standard to reach consensus.

Criteria	Exceeding expectations	Meeting expectations	Meeting some expectations	Not meeting expectations
GENERIC PERFORMANCE STANDARDS	Very good or excellent performance against all indicators. No substantive challenges or improvements required. Some clear examples of exemplary performance.	Good performance overall. May have some challenges which are easily rectified. Processes could be improved with minor amendments.	Fair performance. Some positive achievements. Some serious, but addressable challenges on a few aspects. Heading in the right direction. Processes requires change in some areas.	Clear evidence of unsatisfactory functioning; serious challenges on crucial aspects. Major changes are required.
RESPONSIVITY⁴⁴	FV Courts processes are very responsive to the needs, rights, autonomy of victims, offenders, families and whānau.	FV Courts processes are responsive to the needs, rights, autonomy of victims, offenders, families and whānau.	FV Courts are making progress towards being responsive to the needs, rights, autonomy of victims, offenders, families and whānau.	There are very few, if any examples of processes in FV Courts being responsive to the needs, rights, autonomy of victims, offenders, families and whānau.
APPROPRIATE RESOURCING	FV Courts are well-resourced and are able to undertake all their processes as a result, as well as complementary processes.	FV Courts are appropriately resourced to be able to undertake all of their processes as intended.	FV Courts are resourced, but are not able to carry out all the processes as agreed.	FV Courts are not resourced sufficiently to undertake most of the processes as agreed

⁴⁴ Responsivity was analysed according to each group, i.e., victims, offenders, families and whānau.

COMMUNICATION AND COLLABORATION	Stakeholders involved in FV Courts communicate and collaborate well, internally and externally.	Stakeholders involved in FV Courts communicate and collaborate appropriately, internally and externally.	Stakeholders involved in FV Courts communicate and collaborate in some areas, but do not in others, with variations internally and externally.	Stakeholders involved in FV Courts do not communicate or collaborate well, internally or externally.
OFFENDER ENGAGEMENT	Offenders consistently engage positively with FV Court processes, which is well facilitated by FV Courts.	Offenders mostly engage positively with FV Court processes, which is facilitated by FV Courts.	Offenders engage with FV Court processes inconsistently, facilitation by FV Courts may be mixed.	Offenders do not engage well in FV Court processes, FV Courts are unable to facilitate good engagement.
TIMELY COURT PROCESSS	FV cases are processed more quickly at key stages in FV Courts than in non-FV Courts.	FV cases are processed in FV Courts at key stages at about the same rate as non-FV Courts.	FV cases are processed more slowly at key stages in FV Courts than in non-FV Courts.	FV cases take significantly longer to be processed at key stages in FV Courts than in non-FV Courts.
VICTIM SAFETY	FV Courts are significantly contributing ⁴⁵ to enhanced safety for victims of family violence and their families and whānau.	FV Courts are contributing to enhanced safety for victims of family violence and their families and whānau.	FV Courts are making progress towards achieving victim safety, but performance is lower than desired.	There is little evidence to show FV Courts are contributing to safety for victims of family violence and their families and whānau.
OFFENDER CHANGES	FV Courts are significantly contributing to family violence offenders taking responsibility for their behaviour and demonstrating cognitive or behavioural change.	FV Courts are contributing to family violence offenders taking responsibility for their behaviour and demonstrating cognitive or behavioural change.	FV Courts are making progress towards family violence offenders taking responsibility for their behaviour and demonstrating cognitive or behavioural change, progress slower than intended.	There is little evidence to show FV Courts are contributing to family violence offenders taking responsibility for their behaviour or demonstrating cognitive or behavioural change.

⁴⁵ That is, contributing “more” than other initiatives that work to address family violence.

APPENDIX C – OVERVIEW OF METHOD ALIGNMENT

The evaluation used a mixed-methods design, with qualitative and quantitative methods and data used with varying emphasis to answer the evaluation questions. The table below (overleaf) illustrates how different methods were used and the nature of the qualitative (qual) and quantitative (quan) data gathered and analysed, and alignment between methods and the evaluation’s questions and the criteria listed in Appendix B. It also shows where there is alignment with the key objectives of the FV Courts. More detailed information on alignment of methods and indicators with the evaluation questions is included in an *Evaluation Plan* and a *Data Analysis Plan*, which were agreed with the Ministry of Justice.

The table uses the following notation:⁴⁶

Notation	Meaning	Example
qual	Qualitative methods (lower case = lack of emphasis)	qual
quan	Quantitative data (lower case = lack of emphasis)	quan
QUAL	Qualitative methods (upper case = emphasis on qualitative aspect)	QUAL
QUAN	Quantitative methods (upper case = emphasis on quantitative aspect)	QUAN
+	Concurrent – where qualitative and quantitative data are collected at the same time	QUAN + qual – emphasis on quantitative aspect
→← double arrow	Qualitative and quantitative methods are used recursively	QUAL→← QUAN (qualitative and quantitative collected recursively with equal emphasis on both)

⁴⁶ Adapted from Creswell & Plano Clark (2011). *Choosing a mixed methods design*. Designing and conducting mixed methods research, 2, 53-106; and DeCuir-Gunby JT & Schutz PA (2017). *Developing a mixed methods proposal: a practical guide for beginning researchers*. Los Angeles: SAGE.

Alignment of evaluation questions, FV Court objectives and methods to implement the evaluation

Key evaluation question	Criteria	FV Court objective	Nature of data	Methods
How does each FV Court operate?			QUAL+quan	Document review Initial site visit observations (<i>n</i> =139 cases) and interviews (<i>n</i> =40) with judges, court staff, defence counsel and police prosecutors across all eight FV Courts Additional site visit observations and interviews in four courts
How effective are the FV Courts' processes and activities?	Responsivity	Making sure those affected by FV cases receive the right support and information Recognising cultural needs of Māori and other ethnic communities, and responding to them appropriately	QUAL	Initial site visit observations and interviews (as above) across all eight FV Courts Interviews (<i>n</i> =55) with defendants, victims and whānau, VAs, third-party providers community probation and DV Programmes team across four FV Court deep dives
	Appropriate resourcing		QUAL	
	Communication and collaboration	Making sure those affected by FV cases receive the right support and information	QUAL+quan	Initial site visit observations and interviews (as above) across all eight FV Courts Interviews (as above) across four FV Court deep dives Analysis of Domestic Violence Programme Management System data (programme referrals)
	Defendant engagement	Getting offenders to take responsibility for their actions	QUAL+quan	Initial site visit observations and interviews (as above) across all eight FV Courts

Key evaluation question	Criteria	FV Court objective	Nature of data	Methods
				Interviews (as above) across four FV Court deep dives Analysis of Domestic Violence Programme Management System data (completion of non-violence programme)
To what extent have the FV Courts achieved their intended outcomes?	Timeliness	Reducing the time it takes for FV cases to be heard or disposed	QUAN+qual	Interviews (as above) across four FV Court deep dives Analysis of existing FV Court statistics (case length and number of events) Analysis of Case Management System data (days for case progression)
	Victim safety	Promoting victim safety and reducing reoffending and/or severity of offending	QUAN+qual	Interviews (as above) across four FV Court deep dives Analysis of Case Management System data (FV reoffending rates)
	Defendant changes	Getting offenders to take responsibility for their actions Influencing positive cognitive behavioural change in defendants	QUAN+qual	Interviews (as above) across four FV Court deep dives Analysis of Case Management System data (rates of guilty plea, non-FV reoffending rates)
	Case outcomes ^(a)		QUAN	Analysis of Case Management System data (case outcomes, sentence type and length)
What are the impacts of the FV Courts on stakeholders			QUAL	Interviews (as above) across four FV Court deep dives

Key evaluation question	Criteria	FV Court objective	Nature of data	Methods
(including families and whānau)?				
What can be learned from the FV Courts?			QUAL→←QUAN	Synthesis and sense-making across all data and methods listed above

^(a) Case outcomes was not included as an evaluation criteria, but it relates to a specific evaluation sub-question under KEQ3.

APPENDIX D – EVALUATION METHODS

This appendix includes further details on the evaluation methods.

Initial site visits

The evaluation team visited the FV Courts in Auckland, Hutt Valley, Manukau, Masterton, Palmerston North, Porirua, Waitākere, and Whangārei. We undertook court observations and semi-structured interviews with key stakeholders. The evidence was used, primarily, to answer KEQ1 and KEQ2 (i.e. how the courts operate and the effectiveness of processes and activities).

Court observations

We observed and took notes in one FV Court session at each site to gain an understanding of the process participants in the FV Courts engage in. Data were collected through a structured observation guide template (completed during the session for each case) and an overall impressions template (completed following the session at each site). The data were recorded in a database for corroboration with other data in a staged, iterative process.

Number of cases observed during court proceeding

	Auckland	Hutt Valley	Manukau	Masterton	Palmerston North	Porirua	Waitākere	Whangārei	Total
Number of cases	17	23	30	9	13	9	16	22	139

Semi-structured interviews with key FV Courts stakeholders

We conducted up to four individual or small-group semi-structured interviews at each FV Court site. The interviewees recruited were determined in collaboration with the Ministry of Justice, and included:

- Judges
- Court service managers, Court Registry Officers, other specialist FV Court District Court staff (where applicable)
- Legal counsel
- Police prosecutors.

The following table provides a breakdown of stakeholders interviewed at each FV Court.

Stakeholders interviewed during initial site visits

Stakeholder	Auckland	Hutt Valley	Manukau	Masterton	Palmerston North	Porirua	Waitākere	Whangārei	Total
Court Registry Officer	1	1	1	1	0	1	1	1	7
Court Manager	1	1	0	1	1	1	0	1	6
Judge	1	1	1	1	2	1	1	2	10
Defence counsel	1	0	1	1	1	2	2	1	9
Police prosecutor	1	2	1	1	1	1	0	1	8
Total	5	5	4	5	5	6	4	6	40

The interviews were used to gather further information on the FV Court process and to validate the team’s initial understandings and interpretations from the court observations. While the interviews targeted descriptive data on *how* the court operated, the majority of interviewees also provided perspectives on *how well* the court functioned, enabling the initial site visits to contribute to answered KEQ2 on the effectiveness of FV Courts’ processes and activities.

Interview notes were taken (often interviews were also audio-recorded), data was organised by the evaluation sub-questions, and thematically analysed. The data was brought together with the observational data to inform answers to KEQ1 and to provide high-level descriptions of how each FV Court operated, and also stored for subsequent corroboration with other data in the staged, iterative analysis process.

Deep dives

The evaluation team worked with the Ministry of Justice and the FV Courts Governance Group to select four sites for deep dive case studies, based on the following criteria:

- Mix of court sizes
- Mix of rural/urban areas
- High Māori population and ethnic diversity
- Observed engagement in therapeutic jurisprudence
- Community/contextual initiatives of interest to explore further.

Based on this assessment, it was agreed that the four sites to participate would be Whangārei, Manukau, Masterton, and Porirua. The deep dives at each site were conducted over three days by two members of the evaluation team. At least one of these members had conducted the initial site visit to that FV Court.

The deep dives involved data collection through a mix of individual and small group interviews with family and whānau, and with key FV Courts stakeholders. The interviews were semi-structured covering KEQs2–5 (i.e. effectiveness, outcomes, impacts and lessons learned).

Interviews with families and whānau

The evaluation team worked with the Ministry of Justice to recruit families and whānau, relying on existing relationships with Victim Advisors and programme providers to broker the connection in the first instance. Victim Advisors and programme provider staff were asked to approach potential participants on behalf of the evaluation team, to gauge their interest in participating in the evaluation. Victim Advisors and provider staff used their own professional judgement and knowledge of the families and whānau to determine whether it would be safe and appropriate for the evaluation team to interview the potential participants. The evaluation team were then passed the contact details of potential participants once they had provided initial consent to the Victim Advisor or provider staff member; evaluation team members then contacted potential participants to explain the evaluation in more detail, and provide an opportunity for potential participants to ask any questions about the evaluation and what their involvement would look like. If participants were still interested in continuing with an interview, the evaluation team arranged a time and place for the interview that suited the participant (typically over the phone, or at the offices of a programme provider). Informed consent was again obtained from participants prior to beginning the interview.

We conducted up to four individual or small group interviews with families and whānau who had engaged with the FV Court, at each deep dive site, with a mixture of those currently engaged with the Courts, and those with previous experience of a FV Court process. We had initially aimed to conduct 16 interviews with families and whānau, however we were unable to achieve this target due to an issue with participants not attending their interview as planned at one of the deep dive sites.

Family and whānau interviews

	Manukau	Masterton	Porirua	Whangārei	Total
Open case	3	1	1	3	8
Closed case	0	3	3	1	7
Total	3	4	4	4	15

Interviews with key FV Courts stakeholders

Interviews with key additional FV Courts stakeholders (i.e. people who were not engaged during the initial site visits) were held during the deep dive. Four to five interviews were held with stakeholders such as:

- Victim Advisors
- Ministry of Justice domestic violence programme providers
- Probation officers
- Alcohol or other drug treatment (AODT) personnel
- Forensic nurse

- Domestic violence programmes referrals team (Whangārei-based personnel)
- Other non-violence or safety programme providers and community organisations involved or exposed to the FV Courts.

If stakeholders were unavailable during site visits, the option to conduct the interview virtually via telephone or Zoom was offered. Some chose to opt for a virtual interview due to COVID-19 restrictions.

The following table provides a breakdown of stakeholders interviewed during the deep dives at the four FV Courts.

Stakeholders interviewed during deep dives

Stakeholder	Manukau	Masterton	Porirua	Whangārei	Total
Victim Advisors	2	1	2	1	6
Third-party provider	15	4	9	3	31
Defendant	2	2	1	2	7
Victim/ whānau	1	2	3	2	8
Community probations	1	0	1	0	2
DV Programmes Team	0	0	0	1	1
Total	21	9	16	9	55

Information collected in these interviews was also structured around the evaluation questions, coded to site and stakeholder type and thematically analysed. This preliminary analysis then fed into the final analysis, synthesis and sense-making process described below.

Additional site visits

The evaluation team visited two additional specialist courts that are not part of the FV Courts – the Matariki Court in Kaikohe, and the Family Harm Intervention Court in Gisborne. The Ministry of Justice and the FV Courts Governance Group asked that these courts be included in the FV Courts evaluation to enable the evaluation to draw on ideas, insights and learnings from alternative court models for managing family violence cases.

Similar to the initial site visits to FV Courts, the visits involved observations of the family violence court processes and interviews with key stakeholders including judges, court managers, and other key court staff where available. Evidence from these visits was used to develop a description of how each court operates (KEQ1) and to identify learnings to inform improvements to the FV Courts (KEQ5).

Quantitative data analysis

Administrative data

The evaluation team obtained administrative data collected by the Ministry of Justice on all individuals with family violence charges who appeared before the FV Courts or non-FV Courts between January 2011 and December 2019, as well as all charges relating to these individuals from 1980 to December 2019 (to assess criminal history and reoffending). We also obtained data on all defendants who have been referred to a non-violence service through the courts during this period.

Administrative data was also obtained for all individuals who appeared before the courts from January 2011 to December 2019 on non-FV violence charges, or serious fraud or theft charges. All charges related to these individuals were obtained from 1980 to December 2019. These samples provided the basis of the regional comparative analyses (see more details below).

These data were analysed to provide an additional source of information about the effectiveness and outcomes of the FV Courts (i.e. KEQ2 and KEQ3). Descriptive data on case volumes obtained from Ministry of Justice reporting was also used to answer KEQ1.⁴⁷

Administrative data provide a useful source of information with which the impact of the FV Courts can be assessed quantitatively. However, it is important to note that administrative data can often lack the nuance and richness of qualitative data. Administrative data in the criminal justice area are also affected by the limitations outlined in Section 1.5, including under-reporting of offending, and missing data where offending has been addressed outside of the formal criminal justice system (e.g. diversion). It is therefore that the results of the analyses using administrative data are considered in conjunction with data obtained through qualitative research methodologies. Our approach to synthesising across quantitative and qualitative methodologies is outlined below.

Research and control samples

Two samples were derived from the administrative data: a research sample representing individuals whose case was likely heard in an FV Court, and a control sample that represents individuals whose case was likely *not* heard in an FV Court.⁴⁸

A statistical technique called Propensity Score Matching (PSM) was used to match the treatment and control groups, in an approximation of a randomised control trial (RCT) design. The underlying assumption of PSM is that once characteristics that predict participation in a programme or initiative (e.g. the FV Courts) are controlled for, the only difference in the outcomes between groups is determined by their participation (or absence of participation) in the FV Courts. Importantly, this assumption relies on the further assumption that all predictors of FV

⁴⁷ Ministry of Justice (n.d.). *Family violence court statistics: 2018/19 update*. Wellington: Author.

⁴⁸ The administrative dataset does not include a flag that explicitly identifies whether cases were heard in an FV Court or not. We have therefore created the research sample by limiting this group to individuals who pleaded guilty to an FV-related charge that carries a maximum penalty of 7 years imprisonment or less, and who appeared in a District Court in which an FV Court is running. The control sample is subject to the same conditions, but includes individuals who appeared in a District Court in which there is no FV Court running. This increases the validity of comparisons made between family violence defendants in different courts, and provides more confidence that individuals in the research sample really did appear before a FV Court. However, it is likely that some defendants in our research sample did not appear before a FV Court, and some defendants in our control sample *did* appear before a FV Court. This will have the impact of artificially reducing any estimated effects attributed to the FV Courts.

Court participation are able to be captured in the PSM process. As mentioned in Section 1.5, it is possible (or perhaps likely) that this is not the case, particularly when the PSM analyses rely solely on administrative data. For instance, it is possible that individuals who have their cases heard in an FV Court are more motivated to change their behaviour than those who do not. This motivation to change likely has a strong effect on future outcomes, but is not controlled for between our research and control samples. This would have the effect of over-estimating the true effect of the FV Courts on outcomes. It is therefore important that the results of the analysis of administrative data are interpreted with caution, as in the absence of RCTs, attributing causality to an initiative such as the FV Courts is incredibly difficult.

In the current evaluation, up to five control individuals were matched to each individual in the research sample based on the following characteristics:⁴⁹

- year of index offence⁵⁰ (exact match)
- gender (exact match)
- ethnicity (exact match)
- age at index offence
- number of FV charges in index case⁵¹
- number of other charges in case
- offence division for the lead offence in case
- maximum penalty for the lead offence in case
- seriousness score for the lead offence in case
- age at first offence (identified as first offence occurring in dataset from 1980)
- number of previous FV charges (from 1980)
- number of previous other charges (from 1980)
- number of previous community sentences (from 1980)
- number of previous custodial sentences (from 1980)
- number of previous sentencing dates (from 1980)
- frequency of prior offending (from 1980)
- time to last case (from 1980).

Matching each individual in the treatment group with more than one control (i.e. one-to-many matching) is common practice when conducting PSM, to try and offset some of the biases introduced by the unmeasured confounds discussed above (e.g. motivation to change). Matching

⁴⁹ The caliper was set at 0.25.

⁵⁰ The 'index offence' or 'index case' was the first proven offence/case associated with each individual between 2011 and 2019, where a family violence-related charge was the lead offence. The lead offence was defined as firstly the most serious outcome in the case, and then by MOJ seriousness score if two or more charges were associated with the same outcome.

⁵¹ FV charges were identified using a family violence flag within the administrative dataset. This flag captures charges that are likely to represent sexual, physical and/or psychological forms of family violence.

with more than one control theoretically reduces the impact of confounding variables associated with individual matches. To account for the fact that individuals in the treatment group were matched with different numbers of controls (depending on the number of appropriate controls identified for each individual), weights were applied in resultant analyses so that outcomes were based on a 1-1 ratio (e.g. if one individual was matched with three controls, then each control was weighted to contribute 33% to the outcome being compared). To test the reliability of the one-to-many matching, key analyses were repeated using the more traditional one-to-one matching; the general pattern of results was the same for these analyses, so this report only presents the results from the one-to-many matching.

Because of the use of multiple controls per defendant in the research sample, the matching process was replicated for each analysis involving a sub-group of the full sample (e.g. matching was replicated for all research individuals and potential controls who received a conviction, for analyses of the most serious sentencing outcome between courts). The relevant sub-sample used for each analysis is outlined in Appendix H. Results showed that the matching process was successful for all sub-groups, with negligible (i.e. non-significant) differences between research and control samples on all non-exact matching criteria.

Table 4 below displays the characteristics of the three primary research samples used in the current evaluation: family violence defendants (used to identify outcomes of the FV Courts) and non-FV violence and serious fraud/theft offenders (used for regional comparison analyses; see below).

Table 4. Characteristics of research samples

Characteristics	Family violence	Non-FV violence	Serious fraud/theft
Total numbers			
Total before matching	15,963	8,475	11,545
Total after matching	15,859	8,331	11,332
Mean age in years (<i>SD</i>)	33.2 (11.1)	31.1 (11.8)	30.7 (10.9)
Total matched – case closed 2011	2,813 (18%)	1,125 (14%)	1,518 (13%)
Total matched - case closed 2012	2,368 (15%)	1,040 (12%)	1,732 (15%)
Total matched - case closed 2013	1,909 (12%)	1,055 (13%)	1,449 (13%)
Total matched - case closed 2014	1,587 (10%)	920 (11%)	1,537 (14%)
Total matched - case closed 2015	1,520 (10%)	824 (10%)	1,175 (10%)
Total matched - case closed 2016	1,536 (10%)	866 (10%)	1,132 (10%)
Total matched - case closed 2017	1,494 (9%)	907 (11%)	1,032 (9%)
Total matched - case closed 2018	1,472 (9%)	832 (10%)	943 (8%)
Total matched - case closed 2019	1,160 (7%)	762 (9%)	814 (7%)
Controls			
Total matched controls	26,295	15,281	16,847
Average number of controls per participant	1.66	1.83	1.49

Characteristics	Family violence	Non-FV violence	Serious fraud/theft
Ethnicity⁵²			
Māori	6,219 (39%)	3,332 (40%)	4,189 (37%)
Pacific	4,499 (28%)	2,344 (28%)	1,681 (15%)
Non-Māori, non-Pacific	5,639 (36%)	2,895 (35%)	5,748 (51%)
Gender			
Male	13,432 (85%)	6,778 (81%)	7,104 (63%)
Female	2,427 (15%)	1,553 (19%)	4,222 (37%)
Key previous offending variables⁵³			
Mean age at first offence (<i>SD</i>)	23.3 (9.9)	21.0 (8.4)	23.9 (10.8)
Mean number of previous FV/non-FV violent/serious fraud/theft charges (<i>SD</i>)	0.6 (1.4)	1.3 (2.8)	2.4 (9.8)
Mean number of previous other offences (<i>SD</i>)	10.5 (19.4)	11.8 (21.0)	10.9 (21.0)

Note: *SD* = standard deviation

Comparison of outcomes

Differences in outcomes between the research and control samples were measured using inferential comparative analyses (e.g. chi-square tests, *t* tests⁵⁴), to assess the impact of the FV Courts on these outcomes. Any significant differences between research and control samples are indicative of the effects of the FV Courts, although the effects of regional variation on outcomes were also assessed (see following section).

Summaries of results from these analyses are presented in the main body of the report, and full details are provided in Appendix H.

Identification of regional differences

One of the potential issues with the approach outlined above is that there are known differences in sentencing outcomes and recidivism rates across regions. Given that FV Courts are regionally based, it is possible that any identified differences between research and control populations actually represent regional influences on these outcomes, rather than the influence of the FV Court.

This possibility was accounted for by repeating the above analyses on two additional offender groups: individuals with a serious fraud/theft charge, and individuals with non-FV violent offence charges. For each of these groups, outcomes were compared between defendants whose cases

⁵² Note: individuals could identify as more than one ethnicity.

⁵³ For the matched samples used for recidivism analyses.

⁵⁴ Note that non-parametric analyses were also conducted where parametric analyses as *t*-tests were conducted. These analyses confirmed the patterns identified in parametric tests.

were heard in a District Court with an FV Court, and those whose cases were heard in a District Court without an FV Court.⁵⁵ If the differences in outcomes (if any) between research and control samples for these two offender groups are smaller than those identified for the family violence offenders, we can be more confident that the initial analyses are detecting a true effect of the FV Courts, rather than just picking up on regional differences apparent for the wider District Court within which the FV Court sits.

Summaries of these comparative analyses are presented in the main body of the report, and full details are provided in Appendix H.

Data analysis, synthesis, and sense-making

The final process of analysing, synthesising, and making sense of the data collected in the evaluation was a continuation of a staged, iterative and collaborative process.

Data were initially arranged by KEQ and criteria, guided by the evaluation framework included in the *Evaluation Plan* and an accompanying *Data Analysis Plan*. The evaluation team had an initial analysis workshop where we identified key themes and findings under each KEQ and criteria from looking across the qualitative data. We then corroborated these emerging findings with data emerging from the analysis of quantitative administrative data. Bringing the data together in this way enabled us to revisit the emerging findings and check for areas of convergence and divergence and adjust the emergent findings to reflect the strengthened mix-methods evidence base.

We then worked through a data analysis process using a tool developed by Bob Williams,⁵⁶ which involved working through three steps, systematically:

1. What – Observing the data, and identifying generalisations, exceptions, contradictions, things that are puzzling, missing or a surprise.
2. How and why – Analysing the observations to seek some kind of explanation for how and why this might be so, explaining the generalisations/exceptions, contradictions, and puzzling and missing items.
3. So what – Identifying the significance and implications of the analysis.

The analysis process was predominantly deductive – we were testing for congruence with the FV Courts objectives and criteria informed by a draft programme logic model. However, we also looked for other patterns in the data that might lead to different explanations and alternative theories on how and why FV Courts work, or not, and for whom. This also led to the identification of unintended or unexpected outcomes.

The synthesis process also involved the team collaborating on assessing the evidence against the criteria and standards in the evaluation rubric (as discussed in Appendix B).

⁵⁵ In other words, the non-FV violent offence cases and serious theft/fraud offence cases did not appear in an FV Court, but within the same District Courts where the FV Courts are run. This allows for a comparison of outcomes for other non-FV cases being heard in the same District Courts as the research and control samples in the main FV defendant analyses, informing an assessment of any regional differences in outcomes that are associated with those District Courts more broadly.

⁵⁶ Bob Williams is a New Zealand evaluator who provides training and consultancy support in the use of systems concepts in evaluation [refer: <http://www.bobwilliams.co.nz/> for further information].

The sense-making process involved presenting emerging findings at a workshop with Ministry of Justice staff familiar with the FV Courts. The workshop was used to test and validate the emerging findings, and to make meaning of the evidence by interpreting what it might mean for the FV Courts. Through this process, gaps in the analysis were identified and priorities for more in-depth analysis. It also offered rival interpretations of what the data was indicating.

While the team worked collaboratively on the analysis process, we also drew on specialist input from our Kaupapa Māori evaluator who put another lens across the analysis and findings with a focus on identifying critical success factors in terms of cultural responsiveness and safety. The Kaupapa Māori evaluator worked across the project, providing inputs on the evaluation plan, framework, draft intervention logic, data collection tools, and led site visit observations and interviews in three sites.

The evaluation team received valuable feedback from the Ministry of Justice, FV Courts Governance Group, and two external peer reviewers on an *Interim Report*, which has also been weaved into our final analysis.

APPENDIX E – CONSENT FORMS

There are two consent forms in this appendix – the first is for victims, defendants, families and whānau; and the second is for all other evaluation participants.

EVALUATION OF THE FAMILY VIOLENCE COURTS

Kia ora and hello!

You're invited to tell us what you think about the Family Violence Courts so that they can be improved. We're inviting you to take part because you, or your family or whānau member, had a case heard in the [insert name of region] Family Violence Court.

Who is doing the evaluation?

Allen + Clarke is doing this work for the Ministry of Justice. We are a research company with experience in evaluating family violence services, and court services.

What's it all about?

We want to find out how the Family Violence Courts are going, and how the Ministry of Justice can improve them. We are talking with lots of people about the Family Violence Courts, including families and whānau who have been involved with the Courts. We will then put everyone's information together in a report which will tell the Ministry of Justice how the Family Violence Courts are going and how they could be improved.

If I agree to take part, what will it involve?

If you agree to be in the evaluation, we'll ask you to meet with:

- [insert name of evaluator], an evaluator from *Allen + Clarke* who will lead the discussion during the interview.
- [insert name of evaluator], an evaluator from *Allen + Clarke* who will support the discussion.

During the meeting we will talk about how you found being involved with the Family Violence Court. It will take an hour or so of your time. We could meet at the building of a local service provider you know, the Court, or somewhere else – whatever suits you.

If it's okay with you, we'd like to audio record the interview. The recording helps make sure that the notes we write up are correct. Recording is completely voluntary – it's up to you.

You will receive a koha of a \$50 supermarket voucher as a thank you for talking with us (or \$100 supermarket voucher if we meet with other members of your family or whānau at the same time). This is to recognise the value of your time and information you will be giving us.

Do I have to take part?

You can choose to take part in the evaluation or not. Please read this information sheet and feel free to ask any questions about the study so you know what you're agreeing to.

If you choose to take part but then change your mind, you can pull out of the study by contacting us (we've put our contact info below). Any information you've given us up to that point will be deleted.

Taking part (or not taking part) in the research won't affect any relationship you have with the Ministry of Justice, any service providers you are currently working with, or us at *Allen + Clarke*.

How will my privacy be protected?

Only the evaluators will have access to the interview notes and recordings. These will not have your name on them. All records will be kept secure at *Allen + Clarke* for ten years, and will then be destroyed.

If you'd like a copy of the notes from our interview with you, please contact the Project Manager, [name, email and phone number] and she will send you a copy.

In any reports or presentations, we won't include information that would make it possible for someone to identify you.

If we discover any risks to the wellbeing of you or your family, such as family violence, we will need to tell someone who will be able to help. This will probably be the service provider or other organisation who told you about this study. The purpose of this is to protect you and your family from further harm.

Are there any risks and benefits of me taking part?

You will meet with us to talk about the Family Violence Courts. We will not ask you to do anything else.

The evaluation will provide information to help improve the Family Violence Courts for other people.

You may feel uncomfortable from the interview, if our questions make you remember stressful or traumatic things from the past. You do not have to answer every question, and you can stop the interview at any time.

If at any point during or after this interview you feel that you would like support about things that we talked about, here are some places that you could contact:

Helplines

- Family Violence Information Line – 0800 456 450: Provides self-help information and connects people to services where appropriate. It is available seven days a week, from 9am to 11pm, with an after-hours message redirecting callers in the case of an emergency.
- Ministry for Vulnerable Children, Oranga Tamariki – 0508 FAMILY (0508 326 459): If you are concerned about a child or young person.
- Women's Refuge – 0800 REFUGE (0800 733 843)

- Shine helpline – 0508 744 633: Provides information to victims of family violence and to those worried about a friend or family member who might be experiencing family violence.

Websites

- Are You OK? website: <http://www.areyouok.org.nz/>
- Shine website: <http://www.2shine.org.nz/>

Who can answer my questions about the project?

If you agree to take part in the research, you'll be talking with [insert names of evaluators]. You can ask them any questions you have about the research. We'll give you a copy of this form to keep.

Statement of consent: I agree to take part in the Family Violence Courts evaluation

- I have read the information sheet about the Family Violence Courts evaluation.
- Questions I had about the evaluation have been answered.
- I understand all my information will be kept confidential and I will not be identified in any report.
- I understand that I can withdraw from the evaluation at any time by telling *Allen + Clarke*.
- I consent to take part in the evaluation.
- I consent to audio record the interview.

Signature _____ Date _____

Printed name _____

EVALUATION OF THE FAMILY VIOLENCE COURTS

INFORMATION AND CONSENT FORM

You are invited to take part in an evaluation of the Family Violence (FV) Courts initiative. This evaluation is being carried out by *Allen + Clarke* for the Ministry of Justice (MoJ) during 2020. You were selected as a possible participant because work you do involves or links with FV Courts. Please read this form and ask any questions you have before deciding whether to take part.

What is the evaluation about?

The purpose of this evaluation is to understand how FV Courts are working, and the effectiveness and outcomes of the FV Courts for families and whānau engaged in the Courts.

What is involved for those taking part?

If you agree to be in this evaluation, we will ask you to take part in an individual or group interview lasting no longer than 90 minutes with two of our team members, to be held in June 2020.

Do I have to take part in the evaluation?

You do not have to take part in this evaluation. If you choose to take part and then change your mind later, you can pull out by contacting us (there is contact information on the next page).

You may stop taking part in the interview at any time. If you stop taking part, the information you have given us that has not been analysed will be deleted. Your decision to withdraw from the evaluation will not affect your current or future relations with MoJ, or *Allen + Clarke*.

How will my privacy be protected?

Reports and presentations about this evaluation will not include information that could identify you. We will change your name, or we will use a code based on things about you (i.e. your role) that are related to the evaluation.

Only *Allen + Clarke* staff will have access to the interview records and audio files.

You can request a summary of the information we collect from you and about you. Please insert your contact details in the following box if you wish to receive this information.

Request for copy of information

To receive a copy of all the information collected from you and about you through this study, please provide either an email or postal address and we will send the information.

Email OR postal address _____

The evaluation records will be kept secure at *Allen + Clarke* for ten years. They will then be destroyed.

In any reports or public presentations, we will not include information that would make it possible for someone to identify you. The findings from this evaluation are expected to be reported to MoJ in October 2020, after which MoJ may make the report public.

Are there any risks and benefits of taking part?

This evaluation has no known risks. There is no risk of personal injury through the activities planned for this evaluation. There are no direct personal benefits from taking part in this evaluation.

Who can answer my questions about the evaluation?

You will be talking with [insert names of evaluators]. You can ask them any questions you have about the evaluation. Any of these people will be happy to answer questions about the evaluation. You will be given a copy of this form to keep.

You can contact the *Allen + Clarke* Project Manager, [insert name, email address and phone number], or the Ministry of Justice Project Manager , [insert name, email address and phone number].

Allen + Clarke is a corporate member of the Aotearoa New Zealand Evaluation Association (ANZEA); and all our Evaluation + Research Practice staff belong to the Australian Evaluation Society (AES). Through these organisations *Allen + Clarke* is expected to follow high standards. If you would like more information about these standards, the booklet *Guidelines for the Ethical Conduct of Evaluations* is available at www.aes.asn.au We are ethically obliged to advise our client if we become aware of certain situations, such as someone being in danger, or corruption.

Statement of consent: I agree to take part in the evaluation (please tick)

- I have read the above information.
- Questions I had about the evaluation have been answered.
- I consent to take part in the evaluation.
- I agree to the audio recording of the interview.

Signature _____ Date _____

Printed name _____

APPENDIX F – FV COURT OBSERVATION GUIDE

- Complete one case sheet PER CASE heard in the court
- If two team members observing, assign to one person for duration of observation and discuss/fill in any gaps afterwards

Admin	
District Court site	
Date/time	
Judge presiding	
Evaluation team members present	
This hearing	
1.ii What type of hearing is this? e.g. first hearing, judicial monitoring, sentencing	
1.ii Who in the court is involved?	
1.ii What are the activities happening in the court for this hearing?	
Risk and safety	
1.vii Was risk or safety assessment mentioned? If yes, who completed the assessment and who reported to the court?	Yes No
1.vii Was risk and/or safety referred to when decisions were made? In what way?	Yes No
Service providers	
1.iv Are external agencies/service providers involved in the hearing? If so, how?	Not at all – 1 – 2 – 3 – 4 – 5 – Very much so
1.v What service/s was the offender referred to?	
1.v Was a representative from the service present?	Yes No
2.vii Was info about services provided to offenders? Including info on how to access services?	Yes No Yes No
2.vii Did the offender have the opportunity to ask questions about services?	Yes No
2.vii Was the offender asked their opinion of the services?	Yes No

Offender	
1.v Are the offender's rights mentioned during the hearing? If yes, in what context?	Yes No
1.v Was the offender given the opportunity to provide their opinion during the hearing? If yes, in what context?	Yes No
1.ix How positive/engaged does the offender appear?	Not at all – 1 – 2 – 3 – 4 – 5 – Very
Victim and whānau	
1.viii Were victim/whānau needs mentioned during the hearing? If so, in what context?	Yes No
1.viii Were victims/whānau present during the hearing?	Yes No
1.viii Was the victim/whānau voice included in the hearing? From whom? (e.g. victim/whānau, Police)	Yes No
1.ix How positive/engaged does the victim/whānau appear?	Not at all – 1 – 2 – 3 – 4 – 5 – Very N/A
Cultural competence and safety	
2.iii Are any cultural components evident in the hearing? If so, what are they?	Yes No
2.iii Did offenders have the opportunity to make cultural requests?	Yes No
2.iii If known, are any specific cultural requests made by the offender met? If so, what were these?	Yes No
2.iii Is te reo Māori spoken during the hearing? If so, by whom?	Yes No

APPENDIX G – INTERVIEW GUIDES

This appendix contains interview guides for: judges, court staff, prosecutors and legal defence; families and whānau; service providers and other third parties; and Victim Advisors. Some administrative information has been removed from the guides. Question numbering aligns with the overall evaluation framework.

Judges, Court Staff, Police Prosecutors and Legal Defence

Background

Would you please introduce yourself and outline your role in this FV Court – how long have you been in the role, and what does it mean to you?

4(ii) How does the FV Court affect your work/you?

1 Court operations/processes

1(i) What are the guiding priorities of this FV Court?

1(ii) What activities and processes are regularly used to support these priorities? (*prompt: stakeholder meetings, judicial monitoring, DV programmes, tikanga Māori, whānau Māori and other ethnic community supports, defendant eligibility/guilty plea, liaison with other jurisdictions e.g. Family Court*)

- a. *Additional prompt re liaison with jurisdictions: How is DV programme non-attendance under a PO in Family Court dealt with in FV Courts?*

1(iii) How well are these activities and processes implemented in practice?

- a. Are current practices different to agreed processes that support the guiding priorities? If so, why?

3(i) What factors impact on the length of time it takes to close a case going through the FV Courts? (*prompt: what slows down the process?*)

- a. Are there processes in place to ensure that relevant parties are informed if this situation occurs?
- b. Are there certain stages of the FV Court process where timeliness is more or less important?
- c. What could be done to enhance timeliness of the overall process?

2(vi) Does the FV Court have adequate resources for it to function as intended (*prompt: personnel, financial*)?

- a. Does the FV Court have adequate resource to meet the needs (i.e. social, cultural) of whānau Māori and other ethnic communities?
- b. How so/why not? If no, how could resourcing issues be addressed?

[*Court Managers/Staff only:*] 1(ix) What are the costs associated with operating this FV Court? (*prompt: monetary and non-monetary, any missed opportunities*)

5(v) What do you think are the FV Court guidelines? (*prompt: consistency, collaboration, communication, community involvement*)

- a. How and to what extent are they incorporated in this Court's practice?
- b. Did you receive any training on the guidelines in relation to your role?
- c. How are these guidelines applied when working with Māori or other ethnic communities?

2(x) Generally speaking, what helps effective implementation and operation of the FV Courts?

- a. Could this be enhanced to improve the effectiveness of this FV Court? How so?
- b. Could this be enhanced to improve the effectiveness of this FV Court for Māori and other ethnic communities? How so?
- c. What are the barriers to effective implementation and operation of the FV Courts?
- d. How could these barriers be addressed?

2 FV Court/District Court community context

2(iv) Have the functions of this FV Court been tailored to meet specific needs in the community, including specific ethnic groups?

- a. What are these specific needs, and how are they identified? (*prompt: for Māori, other ethnic communities and people with diverse needs*)
- b. Are there specific tikanga Māori based activities and processes for this FV Court?
- c. Are there any barriers to implementing tikanga Māori based activities and processes? If so, why? How might these barriers be reduced or activities and processes be improved?
- d. Are there specific activities and processes for people with diverse needs? (*prompt e.g. ethnic communities, learning disabilities*)
- e. In what ways is the wider community involved in FV Court operations and projects?
- f. How necessary is it for the community to be involved in the FV Court? Why?

4(i) In your view, what impact has this FV Court had on families and whānau, and wider communities?

Can you give any examples?

1(vi) Are any other family violence initiatives, including for Māori and other ethnic communities operating in this District Court?

- a. If yes, are these initiatives impacting FV Court outcomes?
- b. In what ways?
- c. Are these initiatives important for the effectiveness of the FV Court?

3 FV Court staff

2(vii) What are the staff roles that make up the team for the FV Court? (*prompt: how many in the team? how are roles allocated?*)

- a. Are there any specific staff roles that are set up to support whānau Māori and other ethnic communities?
- b. How do FV Court staff work together? (*prompt: communication, information sharing, joint case management*)
- c. In what ways does this support the operation of the FV Court?
- d. Is there anything that could be done better?

[Court staff only] 2(iii) Do you feel supported while undertaking your role in the FV Courts?

- a. Could anything be improved or adjusted for the Court to better meet your needs in doing your job?

3(iii) Have you received any FV-specific training? (probe when last trained, frequency, appropriateness) Have you received any cultural safety training?

- a. Has this training resulted in your ability to better support people in the FV Court? If yes, how so?

4 Rights/engagement

2(v) How are people's rights and autonomy upheld during the FV Court process?

- a. In what ways are defendants/complainants/whānau supported to understand their rights? (*prompt: people with English as second language*)
- b. In what ways could FV Court activities/ processes be enhanced for defendants/complainants/ whānau?

2(ix) How do you think defendants engage with the FV Court processes (*prompt: hearings, programmes, other services as required*)?

How do you think whānau Māori and other ethnic communities engage with the FV Court processes?

- a. What makes you say this?
- b. How could the FV Courts encourage better defendant engagement during the Court process? (*e.g. to help them actively participate in hearings, programmes, other services as required*)

5 Complainants, families/whānau voices

3(ii) In what ways are complainants' voices heard during FV Court hearings?

- a. How could complainants be better heard during this process?
- b. Are the voices of the wider whānau also taken into account? If so, how?
- c. How could the FV Courts encourage better complainant engagement during the Court process? (*e.g. to help them actively participate in hearings, programmes, other services as required*)

1(vii) How are the risks and safety needs of complainants, family and whānau identified during the court process?

- a. How are these risk and safety needs incorporated into the FV Court process?
- b. Are there any services linked to the FV Court available to complainants and children? (If so, what?)
- c. Do you feel that these services/processes are sufficient to meet these needs?

1(viii) Beyond safety-related needs, how are the wellbeing needs of complainants, families, whānau, children, rangatahi identified?

- a. How are these additional wellbeing needs incorporated into the FV Court process?
- b. Do you feel that these services/processes are sufficient to meet these additional needs?

2(iii) What do you believe are the key cultural needs for complainants, defendants, families, whānau of different ethnicities while they engage in the FV Courts? (*prompt: interpreters, tikanga*)

- a. How is the FV Court meeting these needs or ensuring positive outcomes?
- b. Could anything be improved or adjusted for the Court to better meet cultural needs or ensure positive outcomes?

2(ii) What type of practical support is offered to defendants, complainants, families and whānau in the FV Court?

- a. At what point in the FV Court process do people receive this support?
- b. At what point does the FV Court withdraw their support?
- c. Do you feel that this support meets the needs of defendants, complainants, families and whānau? Please explain.

3(iv) Do you feel that the FV Court processes result in improved complainant safety and wellbeing?

- a. (If yes) In what ways? Could you provide any examples?
- b. How could the Court influence better outcomes for complainants?

6 Third party providers and referral

1(iv) 2(vii) How are other service providers involved in the FV Court process? (*prompt: services helping with Protection Order applications*)

- a. Which providers do you usually engage with through this FV Court? Are there criteria for selecting third party providers?
- b. How are kaupapa Māori services or services for other ethnic groups selected? What criteria is important in this instance? (*prompt: cultural practices and their impact*)
- c. What role do these providers play in this FV Court?
- d. How is the involvement of service providers managed during the FV Court process?
- e. Could collaboration with service providers work better? If so, how?
- f. Are there other available providers that should be engaged in this FV Court?
- g. What is your knowledge of the quality of providers for this FV Court?

4(ii) In your view, what impact have the FV Courts had on service providers/third parties (*prompt: effectiveness of service provided, any efficiencies*)?

1(v) How are complainants referred for additional support (e.g. AODT services, mental health services) in and out of the FV court system?

- a. What is the process to ensure complainants are guided to the right supports? Who identifies the appropriate supports?
- b. Do referral pathways differ across government agencies? If so, why?
- c. 2(viii) How well do these pathways work? How do they impact complainants?

2(viii) In your opinion, how easy is it for complainants, their families and whānau to access services? How do you ensure complainants, their families and whānau are accessing services? (*prompt: quality services*)

- a. What would help them engage and access external services/programmes? How could the FV Court help with this?

1(v) How are defendants referred for additional support in and out of the FV court system?

- a. Do referral pathways differ across government agencies? If so, why?
- b. 2(viii) How well do these pathways work? How do they impact defendants?

2(viii) In your opinion, how easy is it for defendants, their families and whānau to access services? How do you ensure defendants, their families and whānau are accessing services? (*prompt: quality services*)

- a. What would help them engage with external services/programmes?
- b. How could the FV Court encourage better uptake of external programmes by defendants /whānau?

2(viii) Overall, how well do referral pathways work? (*prompt: internal and external referral pathways, effectiveness*)

- a. How could referrals be improved?

7 Defendant outcomes

3(iii,iv) What outcomes do you feel the FV Court is trying to achieve? Do you feel that FV Courts achieve the intended outcomes for defendants (*prompt: take responsibility for their actions; demonstrating behavioural change*)

- a. Why is that/why not? (*prompt: programme non-attendance*)
- b. What could the Courts do to achieve these outcomes?
- c. What other outcomes are important for defendants?

2(xi) Are you aware of differences in sentencing/case outcomes of family violence offences in this FV Court?

- a. If so, why do you think that is the case?

3(v) Do you know if there are differences in sentencing/case outcomes between FV Courts and non-FV Courts?

- a. If so, do you think differences reflect positively on FV Courts in terms of their objectives?
- b. What causes these differences?

8 Effectiveness in achieving outcomes

3(vii) 4(iii) What, if any, are the unintended outcomes or impacts of the FV Courts?

- a. What causes these outcomes/impacts?
- b. Who is mostly affected?

3(viii) What are the key things that help FV Courts achieve intended outcomes?

3(ix) What are the key barriers to FV Courts achieving their intended outcomes?

3(x) In your opinion, what causes some FV courts to be more effective than others?

Finish interview

Do you have any other comments you'd like to make about the FV Court?

FV courts interview guide: Families and whānau

This interview is about your experiences with the family violence court at [insert name].

You do not have to share any information with us that you don't want to, but you may want to share some personal things relating to why you went to court and that is OK.

Please feel comfortable to share what you want.

Please try to think/talk about your experiences before Covid-19.

Background

Would you please say your name and tell us a bit about yourself? *(Prompt: Your family or whānau, your children? Your interests? Job etc?)*

Going to the Family Violence court

2(i) *We understand you/[If victim: your whānau/someone you know] has gone to the [insert name] District Court, for a criminal charge.*

How long ago did you/[your whānau/someone you know] first appear in the family violence court on this charge?

Did you know that you/[your whānau/someone you know] have been appearing in a Family Violence Court? If so, how?

What information or support were you/[your whānau/someone you know] provided from the court prior to your first appearance? What about during your case?

2(vii) 2(iv) Were you/your whānau able to go to any/all court appearances?

If so, what helped you to go? If not, why not? What were the challenges?

Did anything ever need to be rescheduled? If so, how come? How did you find out?

When did this happen?

3(v) Have you ever been to a different court for a similar case? If so, when and which court? What was it like compared to this time?

Experience at the FV court

1(viii) 2(i) 1(vi) When you/your whānau were going through the FV court, were you asked if you needed help/support for you/your whānau/children?

If so, what did you need/ask for?

Did you receive the help/support that was needed?

Were people available for you to talk to? If so, who?

(If relevant) Were your children[tamariki]/teenagers[rangatahi] involved at any stage? If so, how?

Did they share any thoughts/feelings about it? If so, what did they say?

2(ii) How did the staff at the court and Judges interact with you during the case?

Did you feel respected by the people you interacted with?

Did you have any specific cultural needs or requests at the FV court? If so, what did this look like and were your needs met?

2(iv) **Offenders:** Were you asked to share your thoughts and opinions on what was happening?

Offenders: Did you feel heard when you had something to say at the court/during appearances?

Offenders: Did you feel comfortable to share your thoughts and opinions at the court/during appearances?

Victims/whānau: In your interactions with the FV court, did you feel as though your voice was heard? If so, why? If not, why not?

Referrals to other services or programmes

1(v) Were you/[your whānau/person you know] referred to a programme or service through the court?

If so, which one/s? (*Prompt: DV stopping violence programme, AoD, mental health, counselling, strengthening safety service*)

Who organised your referral to the programme or service, and who told you where you needed to go?

2(vii) How long did it take to get your referral to be organised? Did it happen as fast as you needed it to?

1(v) How easy/hard was it for you to start that programme or service?

2(vii) Did you/your whānau access the services you were referred to? If not, why not?

2(viii) 2(iv) Did you go to all your appointments with the programme/service?

If not, why not?

How did you find the programme/service? Was it worthwhile?

What happened for you/your whānau

3(i) Thinking about you/[your whānau/person you know] case at the FV court overall, how long did it take?

Was that OK? Why/why not?

Were there delays? If so, do you know what caused these? What could have gone better for timing?

3(iv) **Offenders:** Was there any change in your thinking or your actions as a result of going through the family violence court?

Why do you think that is?

Victims/whānau: Has the offender changed their behaviour as a result of going through the family violence courts?

Why do you say that?

3(ii) **Victims/whānau:** Was there any change in how safe you felt as a result of the offender going through the court?

Why/why not? (Prompt: Protection Orders, Victim Advisors)

All: Did anything else change for you/your whānau as a result of going through the court?
(Prompt: *violent behaviour stopped, got access to support/services, better relationships, improvement in wellbeing/health/hauora*)

What do you think caused these changes? When did you start to notice these changes?

3(iii) **Offenders:** What did you learn from your experience of going through the court and going to the programmes/services the court referred you to?

Victims/whānau: Has the offender learned anything or taken responsibility for their actions as a result of going through the court? If so, in what way? If not, why not?

3(vii) **All:** How much of this is because of the FV court? What other things have helped?

All: As a result of going through this process with the court, how likely are you to report family harm in future?

Overall thoughts

3(vi) 4(iv) Did anything else happen (positive or negative) for you/your whānau/children, as a result of going through this court process?

2(ix) In your dealings with the court, what would you say went well? What about not so well?

2(ix) What could the court do better for your/your whānau/your children's situation?

3(vii) What does the court do well to ensure families/whānau are safe, offenders change behaviour/take responsibility for their actions?

Are there barriers to these things happening? If so, what?

Finish interview

Do you have any other comments you'd like to make about the FV Court?

FV COURTS INTERVIEW GUIDE: SERVICE PROVIDERS, THIRD PARTIES

Background

Would you please introduce yourself and outline your role? How long have you been involved with the FV Court, and what do you do in your work with the FV Court? What's your background/previous roles?

4(ii) What's your experience been like, working with the FV Court? What does this role mean to you?

1 Third party providers and referral

1(iv) 2(vii) How are you/ your organisation involved in the FV Court process? (*prompt: stopping violence, strengthening safety services*)

- h. Are you present at the FV Court? If so, how often?
- i. Do you provide services for defendants, complainants (or both), families/whānau, children or young people impacted by FV Court processes?
- j. How do you find working with the [insert name] District Court on FV Court matters? (*prompt: information sharing, relationships, personnel*)

2(viii) What does referral to your service look like through the FV Court?

- b. How well do referral pathways to your services work? (*prompt: effectiveness*)
- c. How well do referrals work? Why/why not?
- d. What could be improved and why? How could referrals be improved?

2(viii) To what extent are complainants, defendants, their families and whānau (including children and young people) are engaged your services?

- b. How do you ensure they are accessing and engaging with your service?
- c. How could the FV Court help with this?

4(iii) How has working with the FV Courts impacted on your organisation (*Prompt: effectiveness of service provided, any efficiencies, demand*)? Can you compare the FV Courts with any other court interactions?

1(v) Do you refer complainants, defendants, families/whānau and children to other services or support?

- d. If so, how does this work? What are the typical services/support? (*prompt: restorative justice, AoD, cultural support, counselling*)
- e. What is the process to ensure people are guided to services/supports? Is the FV Court involved in identifying these?

2 FV Court/District Court community context

2(iv) From your perspective, have the functions of this FV Court been tailored to meet specific needs in the community, including families, whānau, children and specific ethnic groups?

- g. What are these needs, and how are they identified? (*prompt: for Māori, other ethnic communities and people with diverse needs*)

- h. Are there specific activities and processes for people with diverse needs? (*prompt e.g. ethnic communities, learning disabilities*)
- i. In what ways is the wider community involved in FV Court operations and projects?
- j. How necessary is it for the community to be involved in the FV Court? Why?
- k. Have you been asked for or offered any ideas for improvement in FV Court processes?

4(ii) In your view, what impact has this FV Court had on families and whānau, children, and wider communities?

Can you give any examples?

1(vi)a Are any other family violence initiatives, including for children, Māori and other ethnic communities operating in this community?

- d. If yes, are these initiatives impacting FV Court outcomes? In what ways?
- e. Are these initiatives important for the effectiveness of the FV Court?

3 Rights/engagement

2(ix) How well do you think defendants, complainants and families/whānau including children engage with the FV Court processes (*prompt: hearings, programmes, restorative justice, other services*)?

How do you think whānau Māori and other ethnic communities engage with the FV Court processes?

- c. What makes you say this?
- d. How could the FV Courts encourage better engagement during the Court process? (*e.g. to help them actively participate in hearings, programmes, other services as required*)

2(v) How are people's rights and autonomy upheld during their interactions with your organisation?

- c. In what ways are defendants/complainants/whānau supported to understand their rights? (*prompt: people with English as second language*)
- d. In what ways could your service activities/ processes be enhanced for defendants/ complainants/ whānau?

4 Complainants, families/whānau, children and young people's voices

1(vii) How are the risks and safety needs of complainants, family and whānau including children and young people identified during their engagement with your service?

- d. Is the FV Court involved at any stage in any risks and safety assessments relevant to your service?
- e. How are these risk and safety needs incorporated into your service?
- f. How are these needs communicated to the FV Court, and do you feel that the FV Court appropriately responds to these needs?

1(viii) Beyond safety-related needs, how are the wellbeing needs of complainants, families, whānau, children and young people identified?

- c. How are these needs incorporated into your service?

- d. How are these needs communicated to the FV Court, and do you feel that the FV Court appropriately responds to these needs?

2(iii) What do you believe are the key cultural needs for complainants, defendants, families, whānau of different ethnicities engaged in the FV Courts? (*prompt: interpreters, tikanga*)

- c. Could anything be improved or adjusted for the FV Court to better meet cultural needs or ensure positive outcomes?
- d. How is your service meeting cultural needs or ensuring positive outcomes for clients of different ethnicities?

5 Outcomes

3(iii,iv) What outcomes do you feel the FV Court is trying to achieve?

Do you feel that FV Courts achieve the intended outcomes for defendants (*prompt: take responsibility for their actions; demonstrating behavioural change*)

- d. Why is that/why not? (*prompt: programme non-attendance*)
- e. What could the FV Courts do to achieve these outcomes?
- f. What other outcomes are important for defendants?

3(iv) Do you feel that the FV Court processes result in improved complainant and/or children's safety and wellbeing?

- c. (If yes) In what ways? Could you provide any examples?
- d. How could the Court influence better outcomes for complainants?

6 Effectiveness in achieving outcomes

3(vii), 2(x) What are the key things that help FV Courts achieve intended outcomes?

3(vii), 2(x) What are the key barriers to FV Courts achieving their intended outcomes?

3(vii), 2(x) In your opinion, what causes some FV courts to be more effective than others?

3(vii) 4(iv) What, if any, are the unintended outcomes or impacts of the FV Courts?

- c. What causes these outcomes/impacts?
- d. Who is mostly affected?

Finish interview

Regarding Covid-19, have any innovations been developed specifically as a result, with the FV Courts?

If so, what are these and would they be useful post covid-19?

Do you have any other comments you'd like to make about the FV Court?

FV COURTS INTERVIEW GUIDE: VICTIM ADVISORS

Background

Would you please introduce yourself and outline your role in this FV Court? How long have you been in the role, and what does it mean to you?

4(ii) How does the FV Court affect your work/you?

1 Court operations/processes

1(i) What are the guiding priorities of this FV Court?

5(v) What do you think are the FV Court guidelines? (*prompt: consistency, collaboration, communication, community involvement*)

- d. How and to what extent are they incorporated in this Court's practice?
- e. Did you receive any training on the guidelines in relation to your role?
- f. How are these guidelines applied when working with Māori or other ethnic communities?

1(ii) What activities and processes are regularly used to support these priorities? (*prompt: stakeholder meetings, judicial monitoring, DV programmes, tikanga Māori, whānau Māori and other ethnic community supports, defendant eligibility/guilty plea, liaison with other jurisdictions e.g. Family Court*)

- b. *Additional prompt re liaison with jurisdictions: How is DV programme non-attendance under a PO in Family Court dealt with in FV Courts?*

1(iii) How well are these activities and processes implemented in practice?

- b. Are current practices different to agreed processes that support the guiding priorities? If so, why?

3(i) What factors impact on the length of time it takes to close a case going through the FV Courts? (*prompt: what slows down the process?*)

- d. Are there processes in place to ensure that relevant parties are informed if this situation occurs?
- e. Are there certain stages of the FV Court process where timeliness is more or less important?
- f. What could be done to enhance timeliness of the overall process?

2(vi) Does the FV Court have adequate resources for it to function as intended (*prompt: personnel, financial*)?

- c. Does the FV Court have adequate resource to meet the needs (i.e. social, cultural) of whānau Māori and other ethnic communities?
- d. How so/why not? If no, how could resourcing issues be addressed?

2 FV Court/District Court community context

2(iv) Have the functions of this FV Court been tailored to meet specific needs in the community, including specific ethnic groups?

- l. What are these needs, and how are they identified? (*prompt: for Māori, other ethnic communities and people with diverse needs*)

- m. Are there specific tikanga Māori based activities and processes for this FV Court?
- n. Are there any barriers to implementing tikanga Māori based activities and processes? If so, why? How might these barriers be reduced or activities and processes be improved?
- o. Are there specific activities and processes for people with diverse needs? (*prompt e.g. ethnic communities, learning disabilities*)
- p. In what ways is the wider community involved in FV Court operations and projects?
- q. How necessary is it for the community to be involved in the FV Court? Why?

4(ii) In your view, what impact has this FV Court had on families and whānau, and wider communities?

Can you give any examples?

1(vi)a Are any other family violence initiatives, including for Māori and other ethnic communities operating in this District Court?

- f. If yes, are these initiatives impacting FV Court outcomes? In what ways?
- g. Are these initiatives important for the effectiveness of the FV Court?

3 FV Court staff

2(vii) How do FV Court staff work together? (*prompt: different roles, communication, information sharing, joint case management, support for whānau Māori*)

- e. In what ways does this support the operation of the FV Court?
- f. Is there anything that could be done better?

2(iii) Do you feel supported while undertaking your role in the FV Courts?

- b. Could anything be improved or adjusted for the Court to better meet your needs in doing your job?

2(iii) Have you received any FV-specific training? (probe when last trained, frequency, appropriateness) Have you received any cultural safety training?

- b. Has this training resulted in your ability to better support people in the FV Court? If yes, how so?

4 Rights/engagement

2(v) How are people's rights and autonomy upheld during the FV Court process?

- e. In what ways are defendants/complainants/whānau supported to understand their rights? (*prompt: people with English as second language*)
- f. In what ways could FV Court activities/ processes be enhanced for defendants/ complainants/ whānau?

2(ix) How do you think complainants and families/whānau engage with the FV Court processes (*prompt: hearings, programmes, other services as required*)?

How do you think whānau Māori and other ethnic communities engage with the FV Court processes?

- e. What makes you say this?

- f. How could the FV Courts encourage better defendant engagement during the Court process? (*e.g. to help them actively participate in hearings, programmes, other services as required*)

5 Complainants, families/whānau voices

3(ii) In what ways are complainants' voices heard during FV Court hearings?

- d. How could complainants be better heard during this process?
- e. Are the voices of the wider whānau also taken into account? If so, how?
- f. How could the FV Courts encourage better complainant engagement during the Court process? (*e.g. to help them actively participate in hearings, programmes, other services as required*)

1(vii) How are the risks and safety needs of complainants, family and whānau identified during the court process?

- g. How are these risk and safety needs incorporated into the FV Court process?
- h. Are there any services linked to the FV Court available to complainants and children? (If so, what?)
- i. Do you feel that these services/processes are sufficient to meet these needs?

1(viii) Beyond safety-related needs, how are the wellbeing needs of complainants, families, whānau, children, rangatahi identified?

- e. How are these needs incorporated into the FV Court process?
- f. Do you feel that these services/processes are sufficient to meet these additional needs?

2(iii) What do you believe are the key cultural needs for complainants, defendants, families, whānau of different ethnicities while they engage in the FV Courts? (*prompt: interpreters, tikanga*)

- e. How is the FV Court meeting these needs or ensuring positive outcomes?
- f. Could anything be improved or adjusted for the FV Court to better meet cultural needs or ensure positive outcomes?

2(ii) What type of support is offered to defendants, complainants, families and whānau in the FV Court?

- d. At what point in the FV Court process do people receive this support?
- e. At what point does the FV Court withdraw their support?
- f. Do you feel that this support meets the needs of defendants, complainants, families and whānau? Please explain.

6 Third party providers and referral

1(iv) 2(vii) How are other service providers involved in the FV Court process? (*prompt: services helping with Protection Order applications*)

- k. Which providers do you usually engage with through this FV Court? Are there criteria for selecting third party providers?
- l. How are kaupapa Māori services or services for other ethnic groups selected? What criteria is important in this instance? (*prompt: cultural practices and their impact*)
- m. What role do these providers play in this FV Court?

- n. How is the involvement of service providers managed during the FV Court process?
- o. Could collaboration with service providers work better? If so, how?
- p. Are there other available providers that should be engaged in this FV Court?
- q. What is your knowledge of the quality of providers for this FV Court?

4(iii) In your view, what impact have the FV Courts had on service providers/third parties (*prompt: effectiveness of service provided, any efficiencies*)?

1(v) How are complainants referred for additional support (e.g. AODT services, mental health services) in and out of the FV court system?

- f. What is the process to ensure complainants are guided to the right supports? Who identifies the appropriate supports?
- g. Do referral pathways differ across government agencies? If so, why?
- h. 2(viii) How well do these pathways work? How do they impact complainants?

2(viii) In your opinion, how easy is it for complainants, their families and whānau to access services? How do you ensure complainants, their families and whānau are accessing services? (*prompt: quality services*)

- d. What would help them engage and access external services/programmes? How could the FV Court help with this?

2(viii) Overall, how well do referral pathways work? (*prompt: internal and external referral pathways, effectiveness*)

- e. How could referrals be improved?

7 Outcomes

3(iii,iv) What outcomes do you feel the FV Court is trying to achieve?

Do you feel that FV Courts achieve the intended outcomes for defendants (*prompt: take responsibility for their actions; demonstrating behavioural change*)

- g. Why is that/why not? (*prompt: programme non-attendance*)
- h. What could the Courts do to achieve these outcomes?
- i. What other outcomes are important for defendants?

3(iv) Do you feel that the FV Court processes result in improved complainant safety and wellbeing?

- e. (If yes) In what ways? Could you provide any examples?
- f. How could the Court influence better outcomes for complainants?

3(v) Do you know if there are differences in sentencing/case outcomes between FV Courts and non-FV Courts?

- c. If so, do you think differences reflect positively on FV Courts in terms of their objectives?
- d. What causes these differences?

8 Effectiveness in achieving outcomes

2(x) Generally speaking, what helps effective implementation and operation of the FV Courts?

- e. Could this be enhanced to improve the effectiveness of this FV Court? How so?
- f. Could this be enhanced to improve the effectiveness of this FV Court for Māori and other ethnic communities? How so?
- g. What are the barriers to effective implementation and operation of the FV Courts?
- h. How could these barriers be addressed?

3(vii), 2(x) What are the key things that help FV Courts achieve intended outcomes?

3(vii), 2(x) What are the key barriers to FV Courts achieving their intended outcomes?

3(vii), 2(x) In your opinion, what causes some FV courts to be more effective than others?

3(vii) 4(iv) What, if any, are the unintended outcomes or impacts of the FV Courts?

- e. What causes these outcomes/impacts?
- f. Who is mostly affected?

Finish interview

Do you have any other comments you'd like to make about the FV Court?

APPENDIX H – FURTHER DATA ANALYSIS

The tables below provide full results from the analysis of administrative data, including the regional comparison using samples of non-FV violent offenders and serious fraud/theft offenders. Note that for the regional comparison, the “FV Courts” group represents cases that appeared before the District Courts with a dedicated FV Court, rather than cases that appeared before the FV Courts themselves.

Timeliness⁵⁷

Table 5. Average number of days for case progression, by lead charge and court, 2011-2019

Offence type	First hearing to interim disposal			Interim disposal to final disposal		
	Mean	% diff	Change	Mean	% diff	Change
Family violence cases (n per group = 15,332)						
non-FV Courts	70.5			58.2		
FV Courts	105.7	50%***	35.2	117.2	101%***	59.0
Non-FV violence cases (n per group = 7,493)						
non-FV Courts	85.3			63.8		
FV Courts	132.0	55%***	46.7	87.5	37%***	23.8
Serious fraud/theft cases (n per group = 10,800)						
non-FV Courts	98.7			80.7		
FV Courts	149.2	51%***	50.5	91.6	13%***	10.9

*** $p < .001$

⁵⁷ For all proven cases where the defendant pleaded guilty.

Recidivism⁵⁸

Table 6. Percentage of defendants who reoffended, by type of reoffending, lead charge, and court, 2011-2019

	Non-FV Courts	FV Courts	% diff	pp change
Family violence reoffending				
<i>Family violence cases</i>				
Within 1 year (n = 12,449)	8.3	6.7	-19%***	-1.6
Within 2 years (n = 11,070)	14.2	11.2	-21%***	-3.0
Within 3 years (n = 9,651)	18.6	15.1	-19%***	-3.5
Within 4 years (n = 8,240)	22.1	17.5	-21%***	-4.6
Non-FV violent reoffending				
<i>Family violence cases</i>				
Within 1 year (n = 12,449)	2.8	2.3	-19%**	-0.5
Within 2 years (n = 11,070)	5.5	4.2	-23%***	-1.3
Within 3 years (n = 9,651)	7.4	6.0	-19%***	-1.4
Within 4 years (n = 8,240)	9.1	7.2	-21%***	-1.9
<i>Non-FV violence cases</i>				
Within 1 year (n = 6,085)	4.8	5.1	6%	0.3
Within 2 years (n = 5,276)	8.9	8.9	0%	0.0
Within 3 years (n = 4,512)	12.3	11.5	-7%	-0.8
Within 4 years (n = 3,786)	14.7	14.1	-4%	-0.6
<i>Serious fraud/theft cases</i>				
Within 1 year (n = 8,857)	3.4	3.2	-4%	-0.1
Within 2 years (n = 7,934)	5.5	5.3	-4%	-0.2
Within 3 years (n = 6,915)	7.3	7.1	-2%	-0.2
Within 4 years (n = 5,827)	8.2	8.2	0%	0.0
Non-violent reoffending				
<i>Family violence cases</i>				
Within 1 year (n = 12,449)	27.1	24.2	-11%***	-2.9
Within 2 years (n = 11,070)	36.6	32.9	-10%***	-3.7

⁵⁸ Limited to cases heard from 2011-2017 (but including reconstructions from 2011-2019), and excluding cases where the most serious sentence was greater than 6 months' imprisonment.

	Non-FV Courts	FV Courts	% diff	pp change
Within 3 years (<i>n</i> = 9,651)	42.8	38.4	-10%***	-4.5
Within 4 years (<i>n</i> = 8,240)	47.1	41.4	-12%***	-5.7
<i>Non-FV violence cases</i>				
Within 1 year (<i>n</i> = 6,085)	27.0	28.6	6%*	1.6
Within 2 years (<i>n</i> = 5,276)	37.1	38.4	4%	1.3
Within 3 years (<i>n</i> = 4,512)	43.3	43.9	1%	0.6
Within 4 years (<i>n</i> = 3,786)	47.3	48.6	3%	1.3
<i>Serious fraud/theft cases</i>				
Within 1 year (<i>n</i> = 8,857)	36.3	35.1	-3%	-1.1
Within 2 years (<i>n</i> = 7,934)	44.0	41.9	-5%**	-2.1
Within 3 years (<i>n</i> = 6,915)	47.7	45.1	-5%**	-2.6
Within 4 years (<i>n</i> = 5,827)	49.4	46.4	-6%**	-3.0

p* <.05, *p* <.01, ****p* <.001; *n* = number of individuals in each court group

Table 7. Percentage of Māori defendants who reoffended, by type of reoffending and court, 2011-2019

	Non-FV Courts	FV Courts	% diff	pp change
Family violence reoffending				
Within 1 year (<i>n</i> = 4,693)	11.1	8.9	-20%***	-2.2
Within 2 years (<i>n</i> = 4,157)	19.4	15.1	-22%***	-4.2
Within 3 years (<i>n</i> = 3,618)	25.1	20.5	-18%***	-4.5
Within 4 years (<i>n</i> = 3,075)	29.2	24.5	-16%***	-4.7
Non-FV violent reoffending				
Within 1 year (<i>n</i> = 4,693)	4.0	3.1	-23%*	-0.9
Within 2 years (<i>n</i> = 4,157)	7.4	5.8	-21%**	-1.6
Within 3 years (<i>n</i> = 3,618)	10.2	8.0	-22%**	-2.2
Within 4 years (<i>n</i> = 3,075)	12.3	9.9	-19%**	-2.4
Non-violent reoffending				
Within 1 year (<i>n</i> = 4,693)	36.2	32.8	-9%***	-3.4
Within 2 years (<i>n</i> = 4,157)	47.4	44.1	-7%**	-3.3
Within 3 years (<i>n</i> = 3,618)	54.5	50.6	-7%***	-3.9
Within 4 years (<i>n</i> = 3,075)	58.9	53.8	-9%***	-5.1

p* <.05, *p* <.01, ****p* <.001; *n* = number of individuals in each court group; pp = percentage point

Table 8. Mean number of new reoffences, by type of reoffending and court, 2011-2019

	Within 1 year			Within 2 years			Within 3 years			Within 4 years		
	Mean	% diff	Change	Mean	% diff	Change	Mean	% diff	Change	Mean	% diff	Change
Family violence reoffending	<i>n</i> = 12,449			<i>n</i> = 11,070			<i>n</i> = 9,651			<i>n</i> = 8,240		
non-FV Courts	0.13			0.24			0.35			0.44		
FV Courts	0.10	-20%***	-0.03	0.18	-25%***	-0.06	0.26	-24%***	-0.08	0.32	-26%***	-0.11
Non-FV violent reoffending	<i>n</i> = 12,449			<i>n</i> = 11,070			<i>n</i> = 9,651			<i>n</i> = 8,240		
non-FV Courts	0.04			0.08			0.10			0.13		
FV Courts	0.03	-17%*	-0.01	0.06	-22%***	-0.02	0.09	-15%**	-0.02	0.11	-16%**	-0.02
Non-violent reoffending	<i>n</i> = 12,449			<i>n</i> = 11,070			<i>n</i> = 9,651			<i>n</i> = 8,240		
non-FV Courts	0.67			1.19			1.66			2.13		
FV Courts	0.60	-11%***	-0.07	1.10	-8%**	-0.09	1.52	-8%**	-0.14	1.88	-12%***	-0.25

* $p < .05$, ** $p < .01$, *** $p < .001$; n = number of individuals in each court group

Plea types⁵⁹

Table 9. Percentage of defendants submitting each plea type, by lead charge and court, 2011-2019

Plea type	Non-FV Courts	FV Courts	% diff	pp change
Family violence cases***	<i>n = 44,633</i>	<i>n= 20,290</i>		
Guilty	87.4	92.9	6.3%	5.5
Not guilty	5.2	5.1	-2.9%	-0.2
No plea recorded	7.4	2.1	-72.3%	-5.4
Non-FV violence cases***	<i>n = 31,405</i>	<i>n= 14,167</i>		
Guilty	82.3	84.7	3.0%	2.4
Not guilty	9.0	9.7	6.9%	0.6
No plea recorded	8.7	5.6	-35.2%	-3.1
Serious fraud/theft cases***	<i>n = 24,027</i>	<i>n= 14,826</i>		
Guilty	91.5	92.3	0.9%	0.8
Not guilty	3.0	3.4	11.7%	0.4
No plea recorded	5.5	4.3	-21.7%	-1.2

*** $p < .001$; pp = percentage point

⁵⁹ For all proven cases that appeared before the courts from 2011 to 2019 (i.e. FV Court and non-FV Court samples not matched).

Case outcomes

Table 10. Percentage of defendants receiving each case outcome type, by lead charge and court, 2011-2019⁶⁰

Case outcome	Non-FV Courts	FV Courts	% diff	pp change
Family violence cases				
<i>Total sample*** (n per court group = 15,859)</i>				
Convicted	90.6	78.9	-13%	-11.6
Discharge without conviction	7.2	18.7	160%	11.5
Diversion	2.2	2.4	5%	0.1
<i>Māori defendants*** (n per court group = 6,219)</i>				
Convicted	95.1	89.8	-6%	-5.3
Discharge without conviction	3.6	8.4	133%	4.8
Diversion	1.3	1.8	43%	0.6
Non-FV violence cases*** (n per court group = 8,331)				
Convicted	92.3	87.8	-4.9%	-4.5
Discharge without conviction	5.4	9.8	82.1%	4.4
Diversion	2.4	2.5	5.1%	0.1
Serious fraud/theft cases*** (n per court group= 11,332)				
Convicted	95.9	93.3	-2.7%	-2.6
Discharge without conviction	2.6	4.8	84.7%	2.2
Diversion	1.5	1.9	24.5%	0.4

*** $p < .001$; pp = percentage point

⁶⁰ For all proven cases where the defendant pleaded guilty.

Table 11. Percentage of defendants receiving each sentence type, by lead charge and court, 2011-2019⁶¹

Most serious sentence	Non-FV Courts	FV Courts	% diff	pp change
Family violence cases				
<i>Total sample*** (n per court group = 12,502)</i>				
Imprisonment	12.9	12.0	-7%	-0.9
Home detention	3.8	4.0	6%	0.2
Community detention	5.4	7.5	38%	2.0
Intensive supervision	5.2	7.6	46%	2.4
Community work	28.3	23.3	-18%	-5.0
Supervision	18.9	18.2	-4%	-0.8
Monetary	9.8	5.8	-40%	-3.9
Deferment	12.3	15.6	27%	3.3
Other	1.1	1.2	11%	0.1
No sentence recorded	2.4	4.9	100%	2.5
<i>Māori defendants*** (n per court group = 5,589)</i>				
Imprisonment	17.1	16.1	-5%	-0.9
Home detention	3.8	4.5	18%	0.7
Community detention	5.7	7.5	33%	1.9
Intensive supervision	5.1	8.2	62%	3.1
Community work	29.8	23.7	-20%	-6.1
Supervision	17.0	17.7	4%	0.7
Monetary	8.5	5.0	-41%	-3.5
Deferment	10.3	12.2	18%	1.9
Other	0.7	1.1	53%	0.4
No sentence recorded	2.0	3.8	89%	1.8
Non-FV violence cases*** (n per court group = 7,301)				
Imprisonment	16.7	15.1	-10%	-1.6
Home detention	7.7	7.9	3%	0.3
Community detention	9.5	12.3	29%	2.8
Intensive supervision	3.8	5.9	58%	2.2

⁶¹ For all proven cases where the defendant pleaded guilty and received a conviction.

Most serious sentence	Non-FV Courts	FV Courts	% diff	pp change
Community work	30.9	29.6	-4%	-1.3
Supervision	7.6	8.6	13%	1.0
Monetary	16.5	11.2	-32%	-5.3
Deferment	5.6	7.0	25%	1.4
Other	0.4	0.4	0%	0.0
No sentence recorded	1.3	1.8	42%	0.5
Serious fraud/theft cases*** (n per court group = 10,559)				
Imprisonment	16.5	14.7	-11%	-1.8
Home detention	9.1	10.1	11%	1.0
Community detention	12.8	16.1	26%	3.3
Intensive supervision	3.6	5.0	40%	1.4
Community work	41.0	39.3	-4%	-1.7
Supervision	4.1	3.6	-13%	-0.5
Monetary	9.7	6.9	-29%	-2.8
Deferment	2.4	3.4	44%	1.0
Other	0.1	0.1	-58%	-0.1
No sentence recorded	0.8	1.0	17%	0.1

*** $p < .001$; pp = percentage point

Table 12. Average length of community and imprisonment sentences in days, by lead charge and court, 2011-2019⁶²

Sentence type	<i>n</i> per court group	Non-FV Courts	FV Courts	% diff	Change (days)
Family violence cases					
Imprisonment	1,453	334.0	336.5	1%	2.5
Home detention	499	173.5	183.0	5%*	9.5
Community detention	926	118.9	123.0	3%*	4.1
Intensive supervision	940	404.9	466.8	15%***	61.9
Community work	2,893	99.0	91.9	-7%***	-7.1
Supervision	2,248	260.4	276.4	6%***	16.0
Non-FV violence cases					
Imprisonment	1,063	397.0	407.4	3%	10.4
Home detention	579	192.2	203.3	6%**	11.1
Community detention	896	121.6	126.1	1%*	1.7
Intensive supervision	428	419.1	463.2	11%***	44.1
Community work	2,187	103.7	97.7	-6%***	-6.0
Supervision	639	261.5	277.9	6%***	16.4
Serious fraud/theft cases					
Imprisonment	1,456	319.9	339.6	6%*	19.7
Home detention	1,056	181.8	197.7	9%***	15.9
Community detention	1,676	123.8	126.1	2%	2.3
Intensive supervision	523	411.8	456.8	11%***	45.0
Community work	4,098	121.3	121.2	0%	-0.1
Supervision	370	265.5	270.5	2%	5.0

* $p < .05$, *** $p < .001$

⁶² For proven cases where defendants pleaded guilty and received a community sentence or imprisonment sentence.