

Family Violence Court Report

1 July 2011 – 30 June 2012

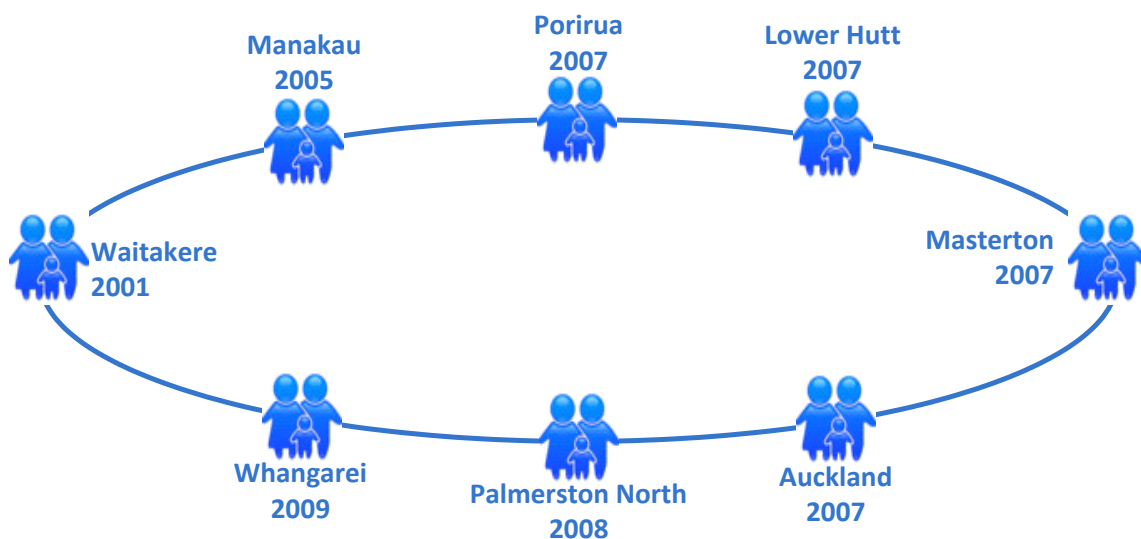
Family Violence Courts

Family Violence Courts (FVC) were established by the judiciary to provide a more targeted response to the increase in family violence. FVCs are held at a regular time and place in eight District Courts, with dedicated Judges, court staff (including victim advisors), prosecution, police, counsel and community agencies to ensure a consistent and efficient service.

Guiding principles are:

- promoting victim safety;
- making sure that those affected by family violence get the right support and education;
- reducing the time it takes for family violence cases to be heard and resolved; and
- getting offenders to take responsibility for their actions and think about how they affect other people.

There are currently eight Family Violence Courts:



Legislative Context

FVCs are governed by the same legislation that applies in any criminal court. The key differentiation between FVCs and the 'mainstream' criminal courts is that FVCs only hear domestic violence-related cases.

FVCs aim to ensure that domestic violence cases are disposed of within 13 weeks. Some cases take longer, for example, when the defendant is attending a stopping violence programme before being sentenced.

Definition of Stages

Administrative Stage

This is the initial stage of the case management process. The stage begins at the first appearance event, and concludes when the defendant has entered a plea on all active case charges. Should the accused enter a not guilty plea on one or more charges, then the admin stage concludes at the event prior to the first occurring status hearing or defended hearing pre-trial event. If the accused enters a guilty plea on all active case charges prior to a first status hearing or defended hearing pre-trial event, then the case is deemed to have been disposed in the admin stage.

Pre-Trial Stage

The pre-trial stage is the second stage of the case management process. A case proceeds to the pre-trial stage when a first status hearing event or defended hearing pre-trial event occurs following the entry of a not guilty plea on one or more case charges. For reporting purposes, the pre-trial stage is considered to start at the date of the event prior to the first occurring status hearing or defended pre-trial hearing. The pre-trial stage concludes when either a first occurring defended hearing event is required to be set down (this is recognised at the event prior to the first occurring defended hearing), or when all case charges are withdrawn or resolved by guilty plea prior to a defended hearing event being required. In the latter situation, the case is deemed to be disposed in the pre-trial stage.

Defended Hearing Stage

The stage begins when a first occurring defended hearing event is required to be set down (this is recognised at the event prior to the first occurring defended hearing). The stage concludes when a verdict, guilty plea or charge outcome is reached on all remaining active charges. This may occur at or after the first occurring defended hearing event. Note that a verdict from a judicial officer at defended hearing is not necessarily required for a case to be classified as a disposal in the defended hearing stage. The only requirement is that judicial resource be assigned to the case for the purpose of a defended hearing. A defended hearing event must “take place”, but it is not necessary that the defended hearing be completed in full. If for instance the accused pleads guilty on the day, then this is also counted as a defended hearing disposal.

Sentencing Stage

This phase begins when guilt is established on the charge, either by guilty plea or judicial decision of the judge following defended hearing and concludes when a final outcome is established on the charge (e.g. Conviction and Sentenced, Conviction and Discharged).

This phase may involve the remand of the charge to a later sentencing event following establishment of guilt, or be completed on the day that guilt is established (i.e. sentencing provided on the spot). Where an accused is remanded for sentencing, the sentencing judge may order a pre-sentence report to be provided ahead of the sentencing decision. An example would be a report to determine the nature of any alcohol or drug addiction of the accused. Such a report can assist the judge to determine the most appropriate sentence for the accused.

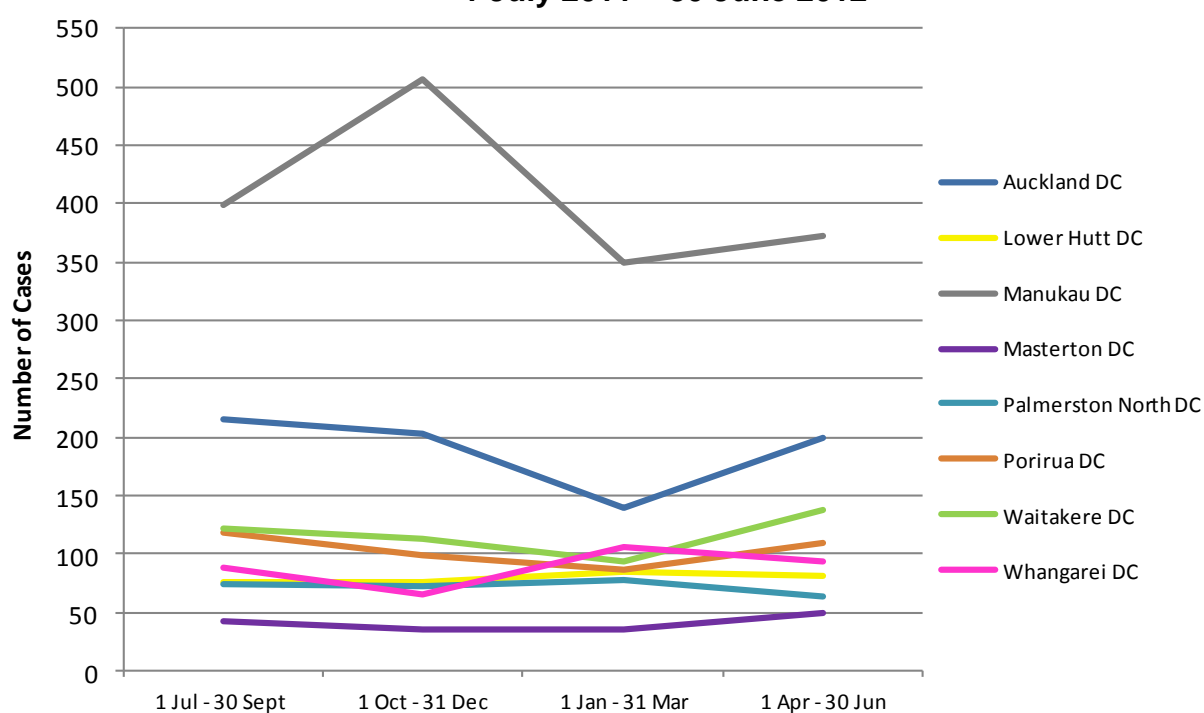
Family Violence Court Caseloads

Number of cases disposed in Family Violence Courts

Family Violence Court	Number of Cases Disposed in the Family Violence Court 1 July 2011 - 30 June 2012				
	Quarter				Total
	1	2	3	4	
Auckland DC	215	203	139	200	757
Lower Hutt DC	76	76	84	82	318
Manukau DC	398	507	349	372	1,626
Masterton DC	42	35	35	50	162
Palmerston North DC	74	73	78	64	289
Porirua DC	119	99	87	109	414
Waitakere DC	121	113	93	138	465
Whangarei DC	89	65	106	93	353
FVC Total	1,134	1,171	971	1,108	4,384
Non FVC Court	2,322	2,170	2,340	2,178	9,010
National Total	3,456	3,341	3,311	3,286	13,394

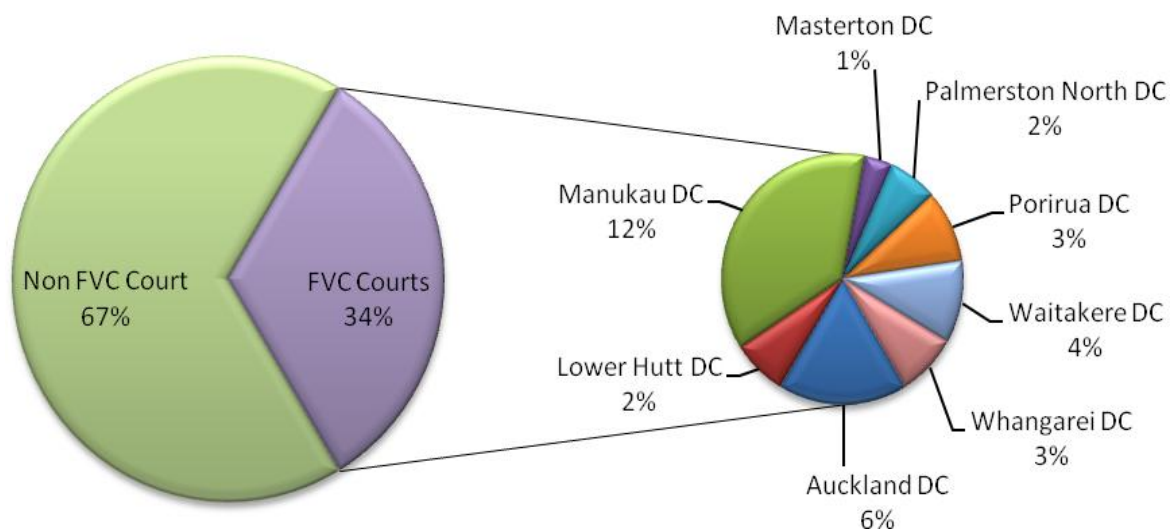
Note: A comparison in disposal numbers cannot be made to previous financial years as on 1 July 2010 the definition of disposal changed. Previous annual FVC reports defined disposal as when a plea was entered. The definition of disposed now means final decision by the court. FVC reports from 1 July 2011 count the number of disposals by this definition.

**Number of Cases Disposed in the Family Violence Court
1 July 2011 – 30 June 2012**



Approximately a third of the total number of cases disposed in FVC's are heard in Manuakau.

In comparison to the seven other FVC's, Manukau District Court disposes of more than double the number of cases of the next busiest court (Auckland) and twelve times greater than the court with the lowest number of disposals (Masterton).



Non-Mandated Referrals to Programme Providers

Non-Mandated Funding in Family Violence Courts

Defendants can self refer to a stopping violence programme when they plead guilty to a domestic violence-related offence in FVCs. This allows defendants to complete a programme prior to sentencing, holding them accountable for their behaviour and encouraging them to address their violence. Successful programme completion can be taken into consideration by a Judge at sentencing.

Number of Family Violence Court non-mandated referrals to stopping violence programmes

In July 2008 the Ministry received funding for non-mandated FVC referrals to stopping violence programmes.

The table below shows how the number of referrals to non-mandated programmes for the 2011/2012 financial year tracks against previous financial years.

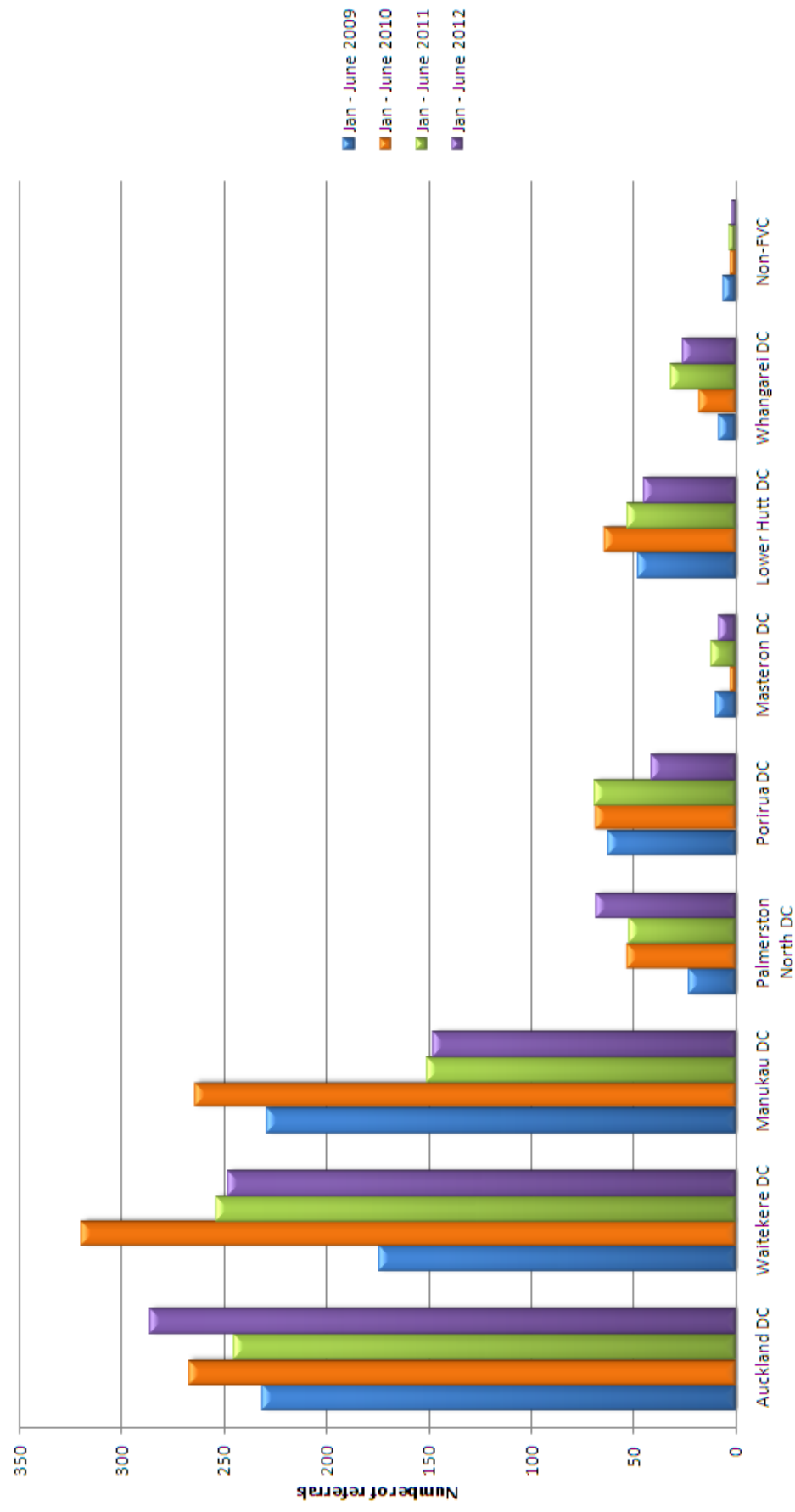
After a significant increase in referrals to non-mandated programmes from the 2008/2009 to the 2009/2010 financial year, referrals have remained consistent over the last two financial years.

Financial Year	Number of referrals	Average number of referrals per month
2008/2009	1275	106
2009/2010	1950	163
2010/2011	1801	150
2011/2012	1811	151

Auckland District Court continues to make the highest number of referrals to non-mandated programme providers. Auckland, Waitakere and Palmerton North District Courts were the only FVCs to increase in the number of referrals made to non-mandated programme providers from the 2010/2011 financial year.

See the graph on the following page for individual FVC breakdowns of number of referrals to non-mandated programme providers.

Number of referrals to non-mandated programme provides per Family Violence Court



Number of events and age of cases per Family Violence Court Case

A Practice Note was issued in December 2004 (see appendix) for all summary charges relating to domestic violence. The purpose of the Practice Note is to ensure domestic violence cases are given priority and are heard and finalised with the least possible delay.

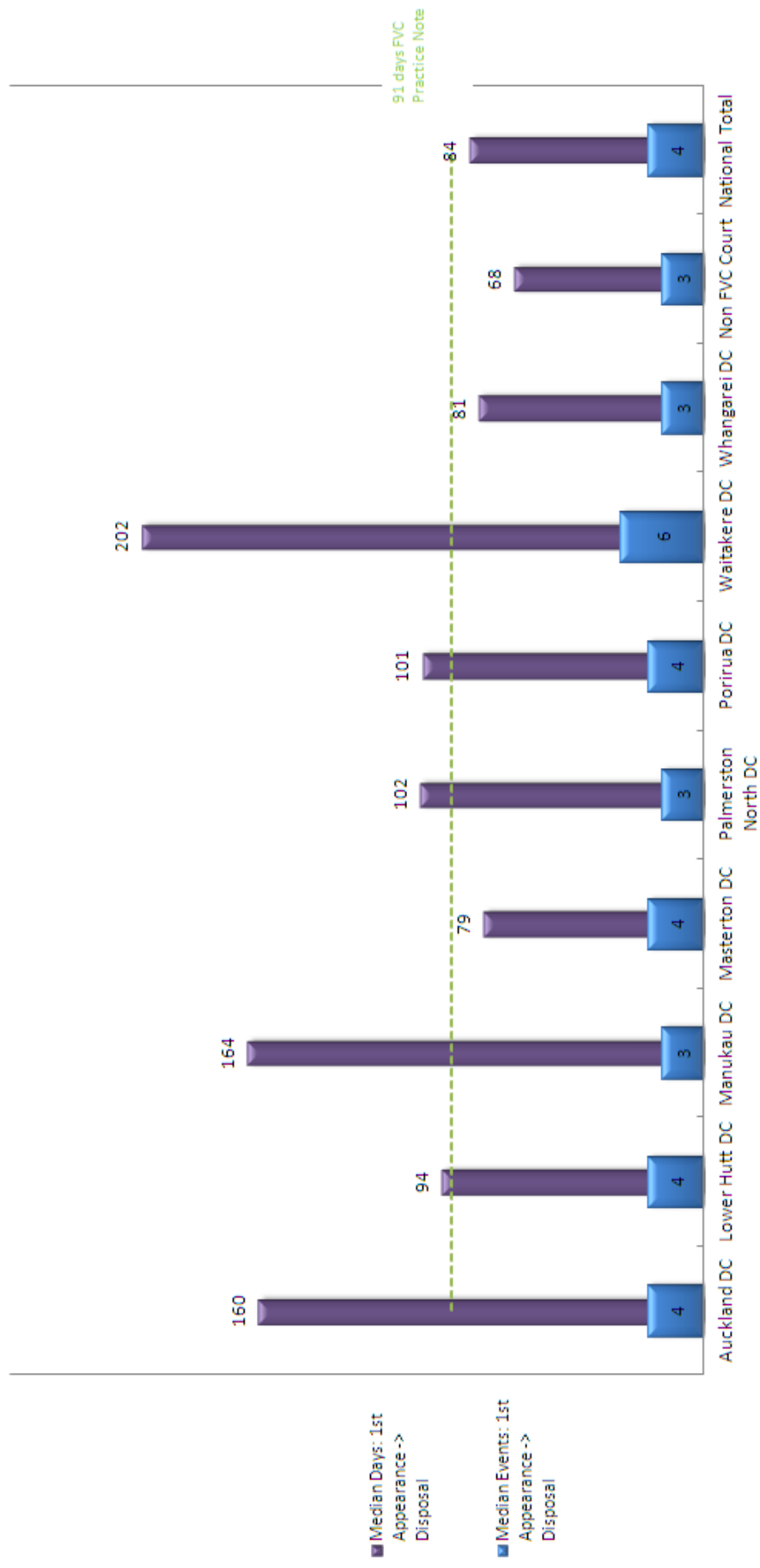
The Practice Note specifies that all domestic violence cases should be finalised within 13 weeks of the defendant's first appearance.

The following tables/graphs show the median number of events and days to case disposal for each of the eight FVCs for the 2011/2012 financial year. Numbers are also tracked against the Family Violence Court Practise Note of 91 days to dispose of a case.

While the median number of events is consistent throughout all FVCs, the median number of days from first appearance to disposal ranges from 79 days in Masterton to 202 days in Waitakere.

There are currently only two FVCs tracking in line with the 2004 Practice Note. These are Whangarei and Masterton District Courts.

Comparing median days and events from first appearance to disposal for cases disposed in FVC and non-FVC courts during July 2011 - June 2012



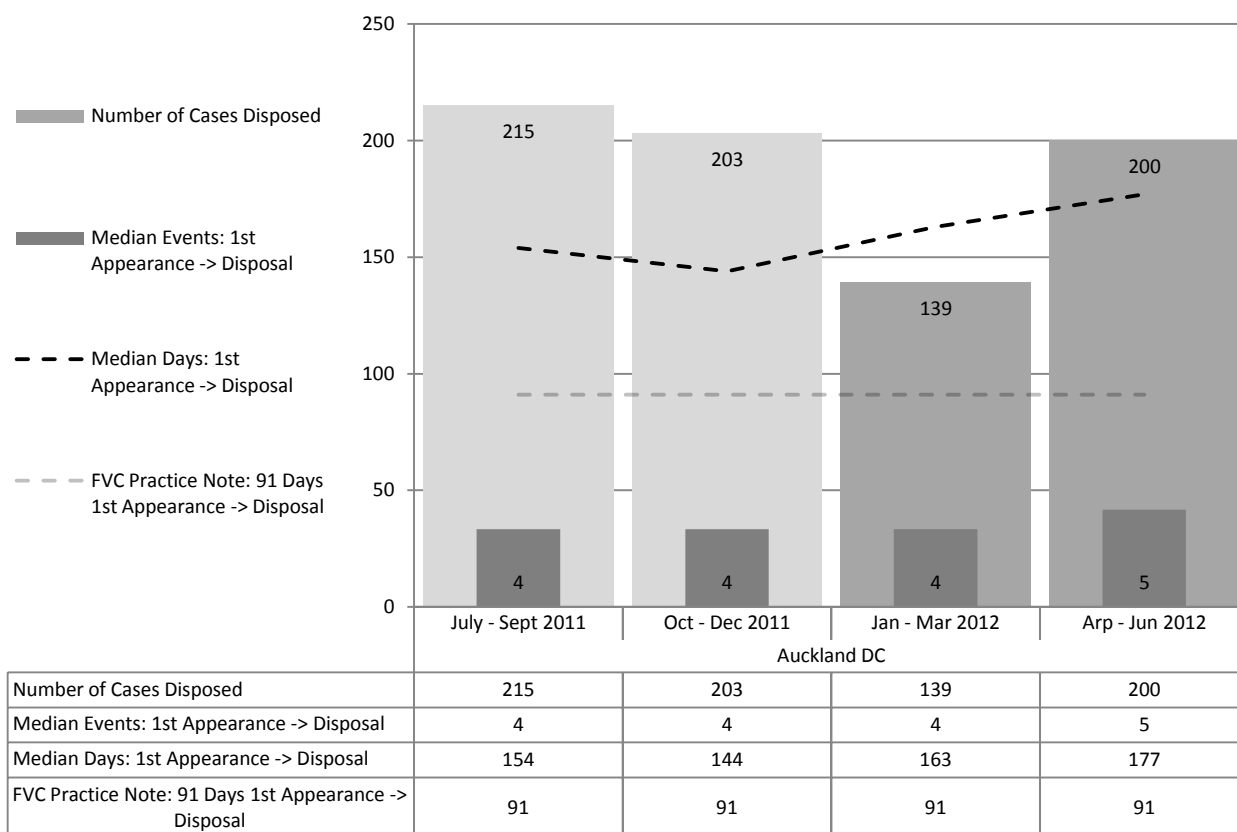
Individual Court Statistics

Note: A comparison to previous financial years cannot be made, as on 1 July 2010 the definition of disposal changed. Previous annual FVC reports defined disposal as when a plea was entered. The definition of disposed now means final decision by the court. FVC reports from 1 July 2011 count the number of disposals by this definition.

Auckland

In the 2011/2012 financial year, Auckland FVC had:

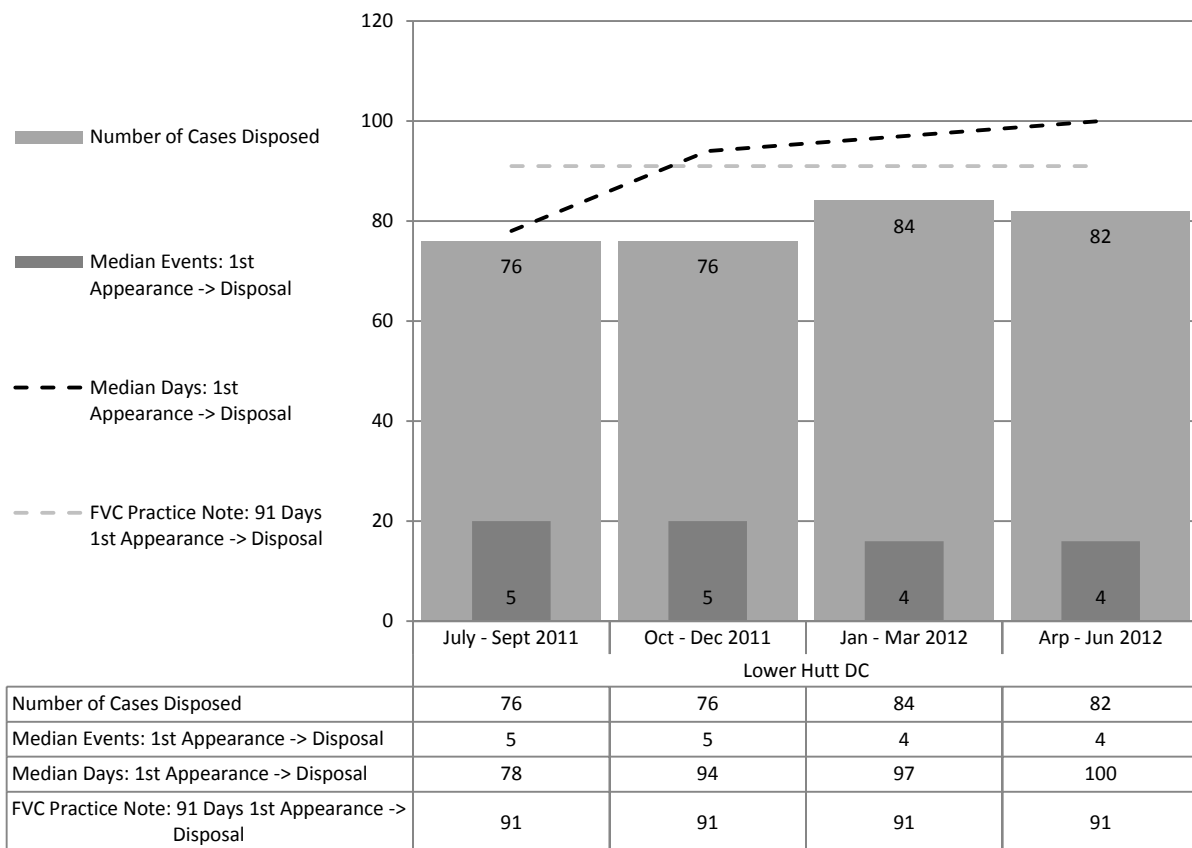
- 757 disposed cases;
- an average of four events per case, from first appearance to disposal;
- an average of 160 days (approximately 23 weeks) per case, from first appearance to disposal.



Lower Hutt

In the 2011/2012 financial year, Lower Hutt FVC had:

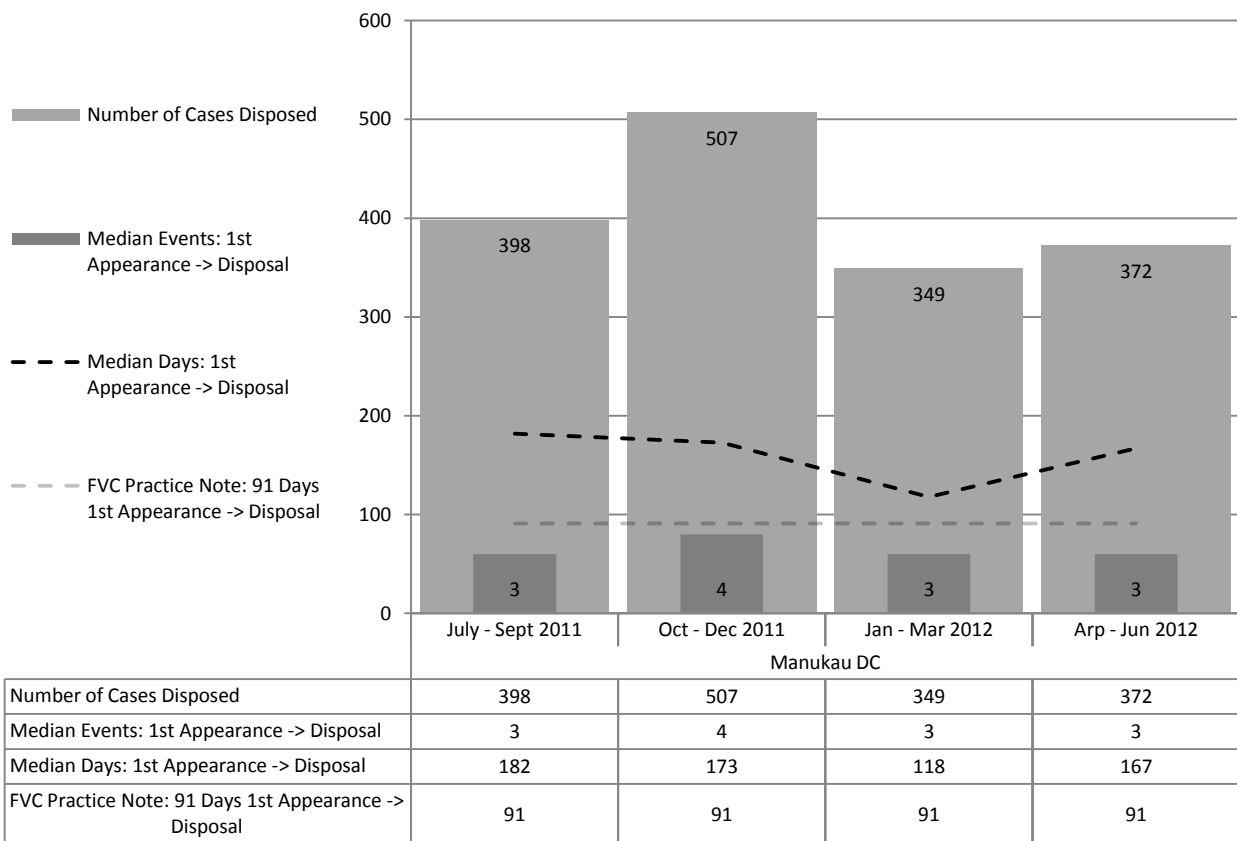
- 318 disposed cases;
- an average of four events per case ,from first appearance to disposal;
- an average of 94 days (approximately 13 weeks) per case, from first appearance to disposal.



Manukau

In the 2011/2012 financial year, Manukau FVC had:

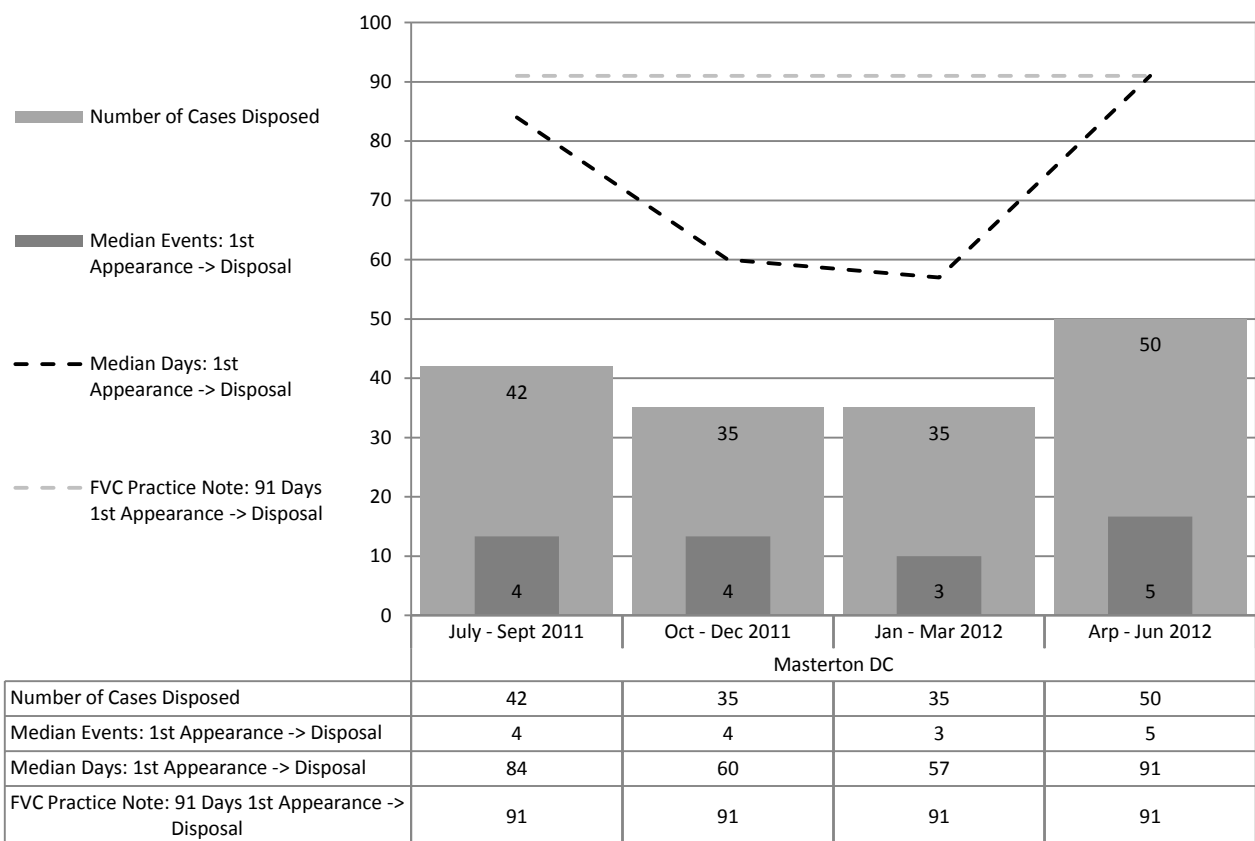
- 757 disposed cases;
- an average of three events per case, from first appearance to disposal;
- an average of 164 days (approximately 23 weeks) per case, from first appearance to disposal.



Masterton

In the 2011/2012 financial year, Masterton FVC had:

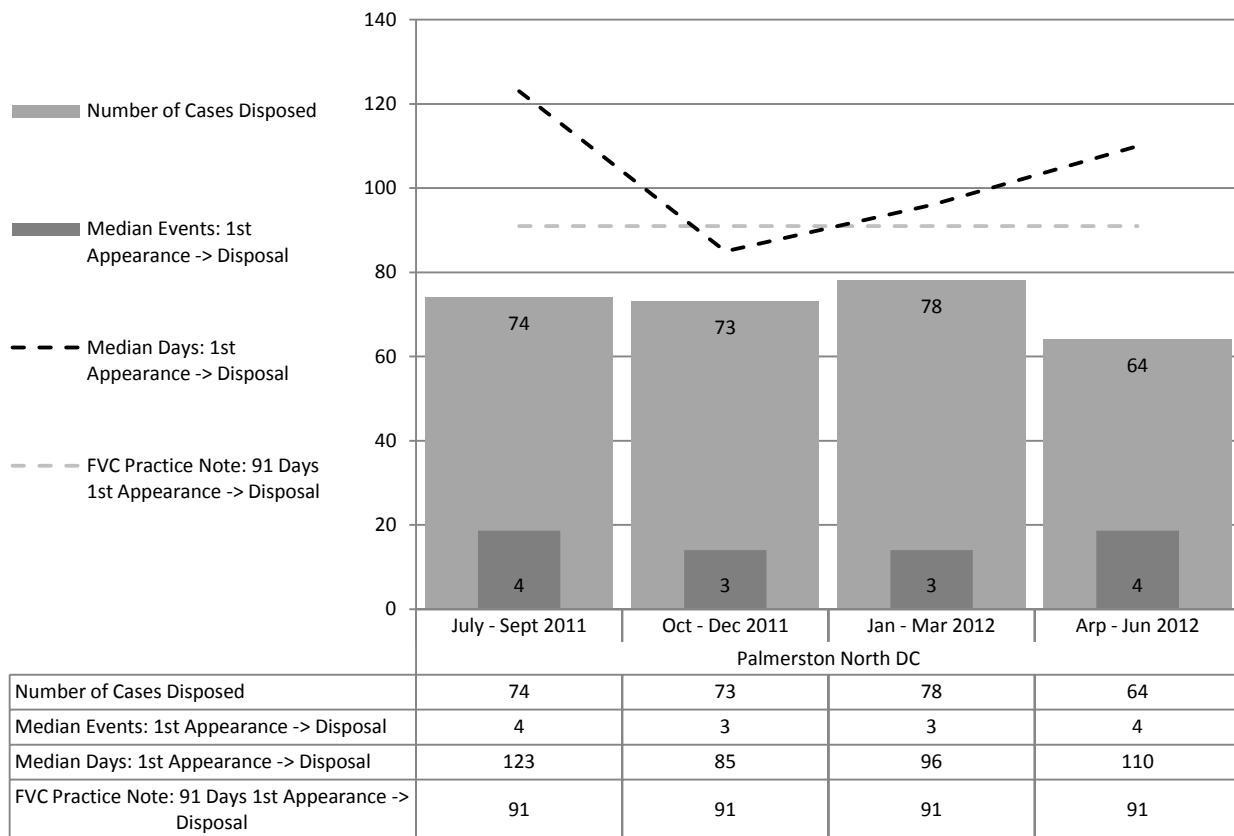
- 162 disposed cases;
- an average of four events per case from first appearance to disposal;
- an average of 79 days (approximately 11 weeks) per case from first appearance to disposal.



Palmerston North

In the 2011/2012 financial year, Palmerston North FVC had:

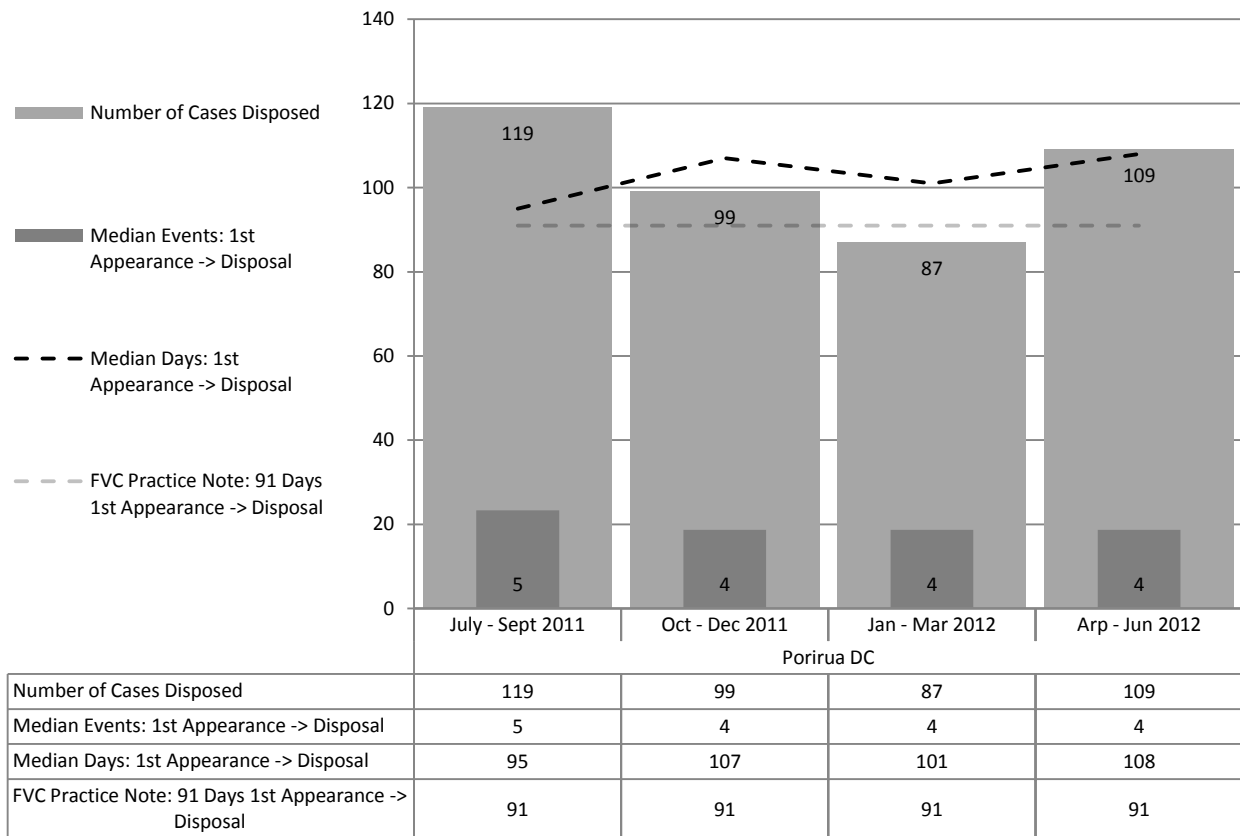
- 289 disposed cases;
- an average of three events per case, from first appearance to disposal;
- an average of 102 days (approximately 15 weeks) per case, from first appearance to disposal.



Porirua

In the 2011/2012 financial year, Porirua FVC had:

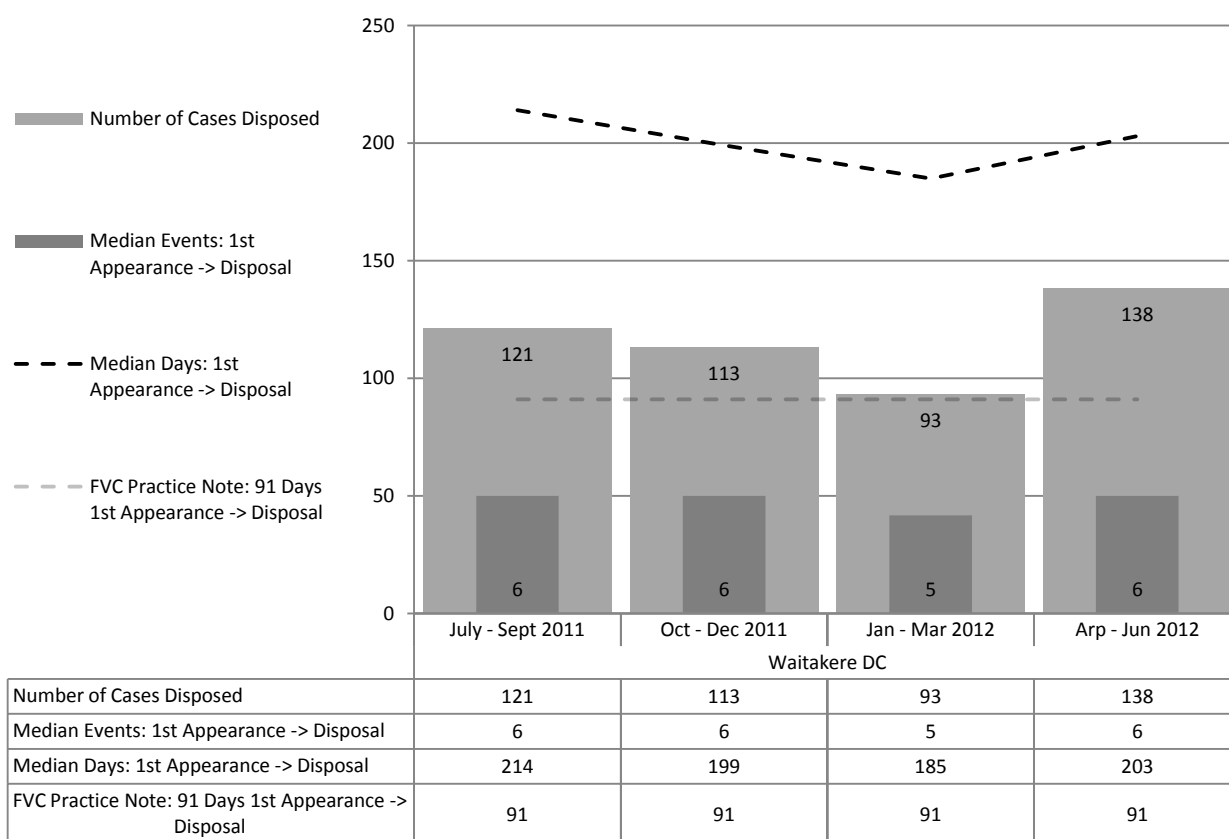
- 414 disposed cases;
- an average of four events per case, from first appearance to disposal;
- an average of 101 days (approximately 14 weeks) per case, from first appearance to disposal.



Waitakere

In the 2011/2012 financial year, Waitakere FVC had:

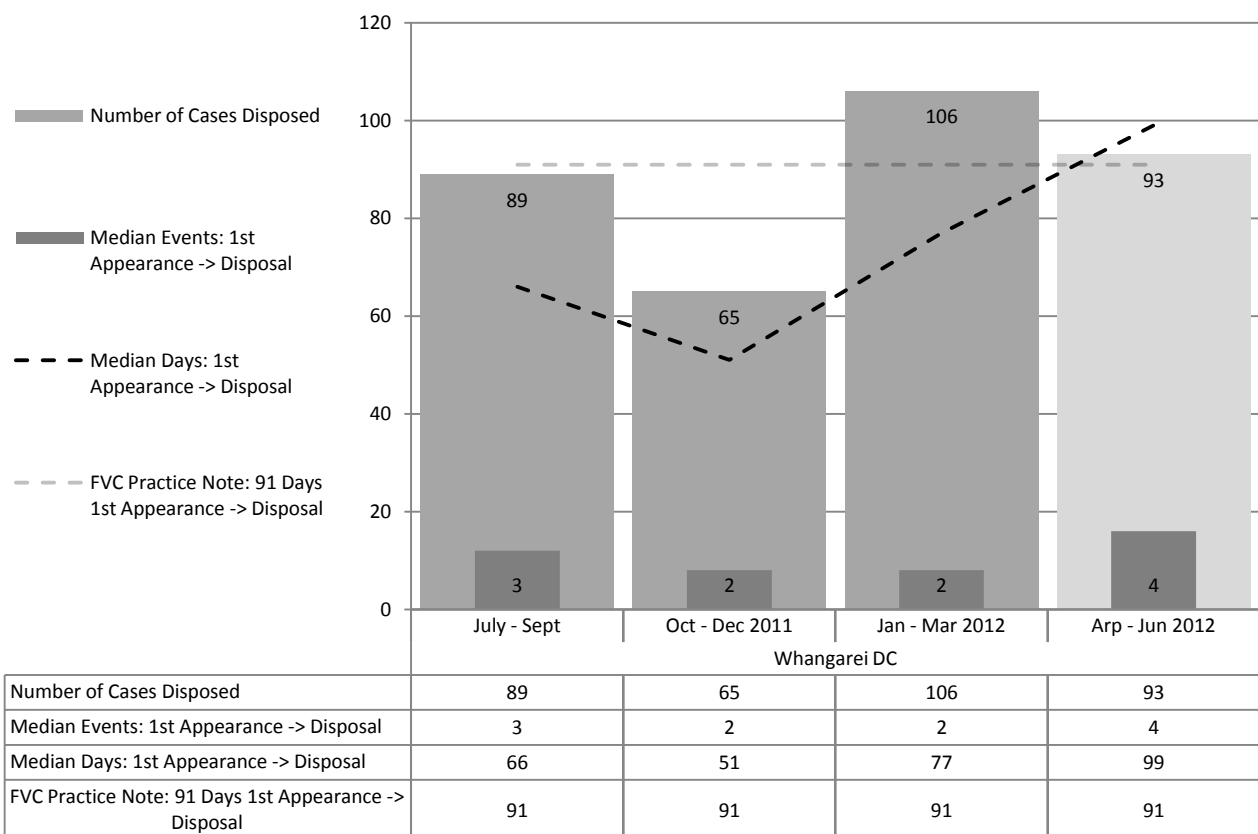
- 465 disposed cases;
- an average of six events per case, from first appearance to disposal;
- an average of 202 days (approximately 20 weeks) per case, from first appearance to disposal.



Whangarei

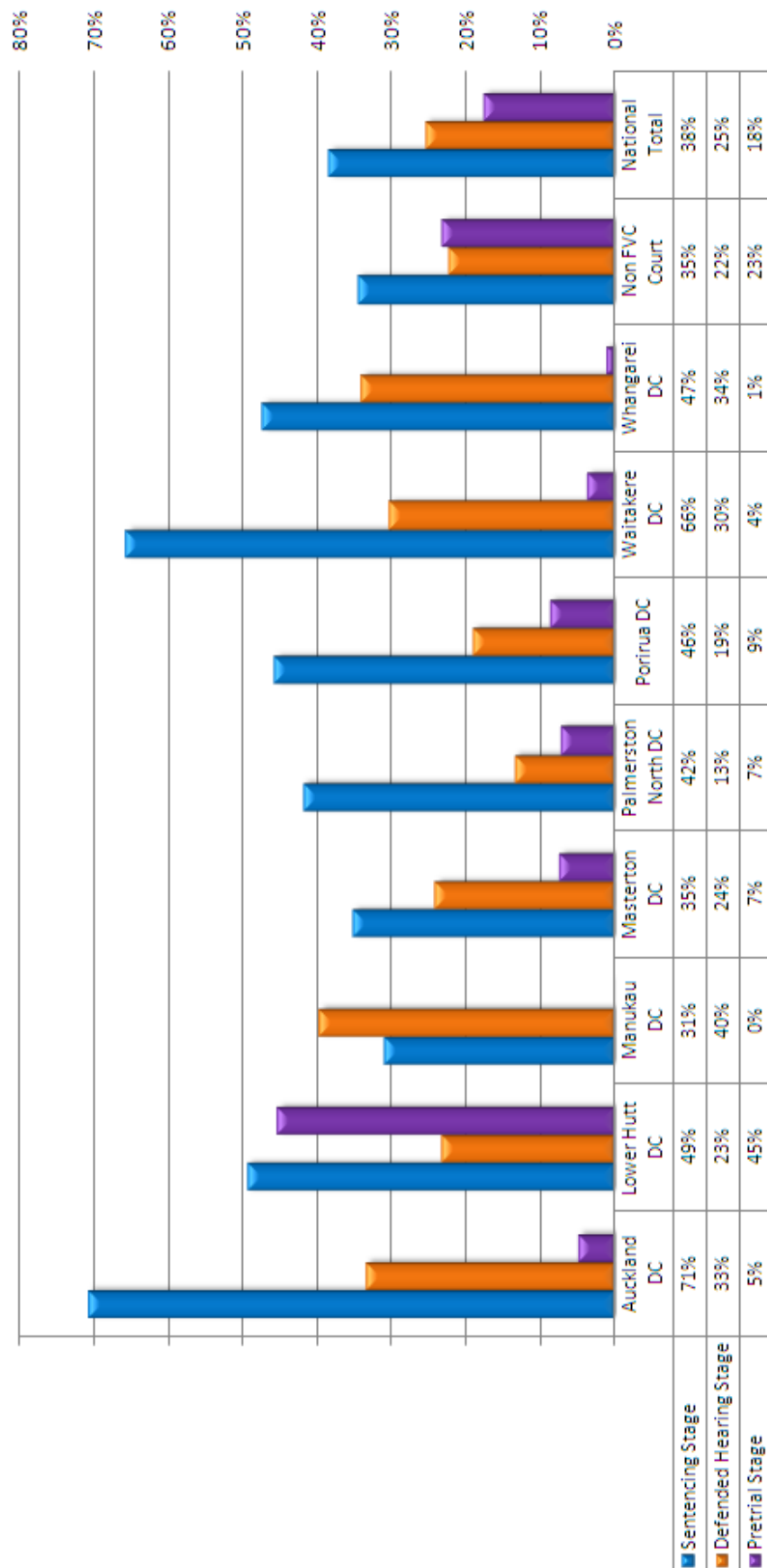
In the 2011/2012 financial year, Whangarei FVC had:

- 353 disposed cases;
- an average of three events per case, from first appearance to disposal;
- an average of 81 days (approximately 12 weeks) per case, from first appearance to disposal.



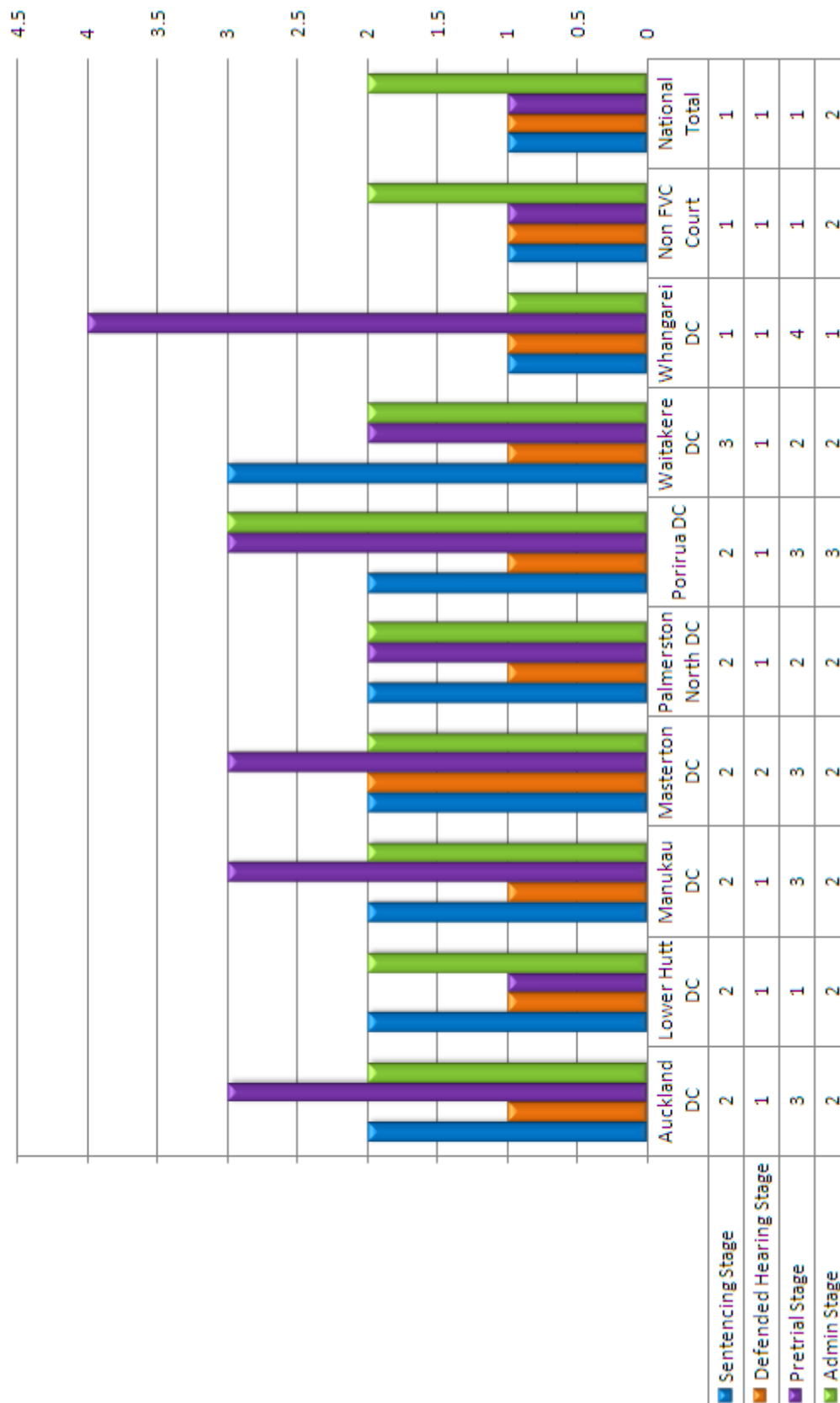
Percentage of cases going through each stage by Family Violence Court

Percent of cases going through each stage by Family Violence Court
1 July 2011 - 31 June 2012



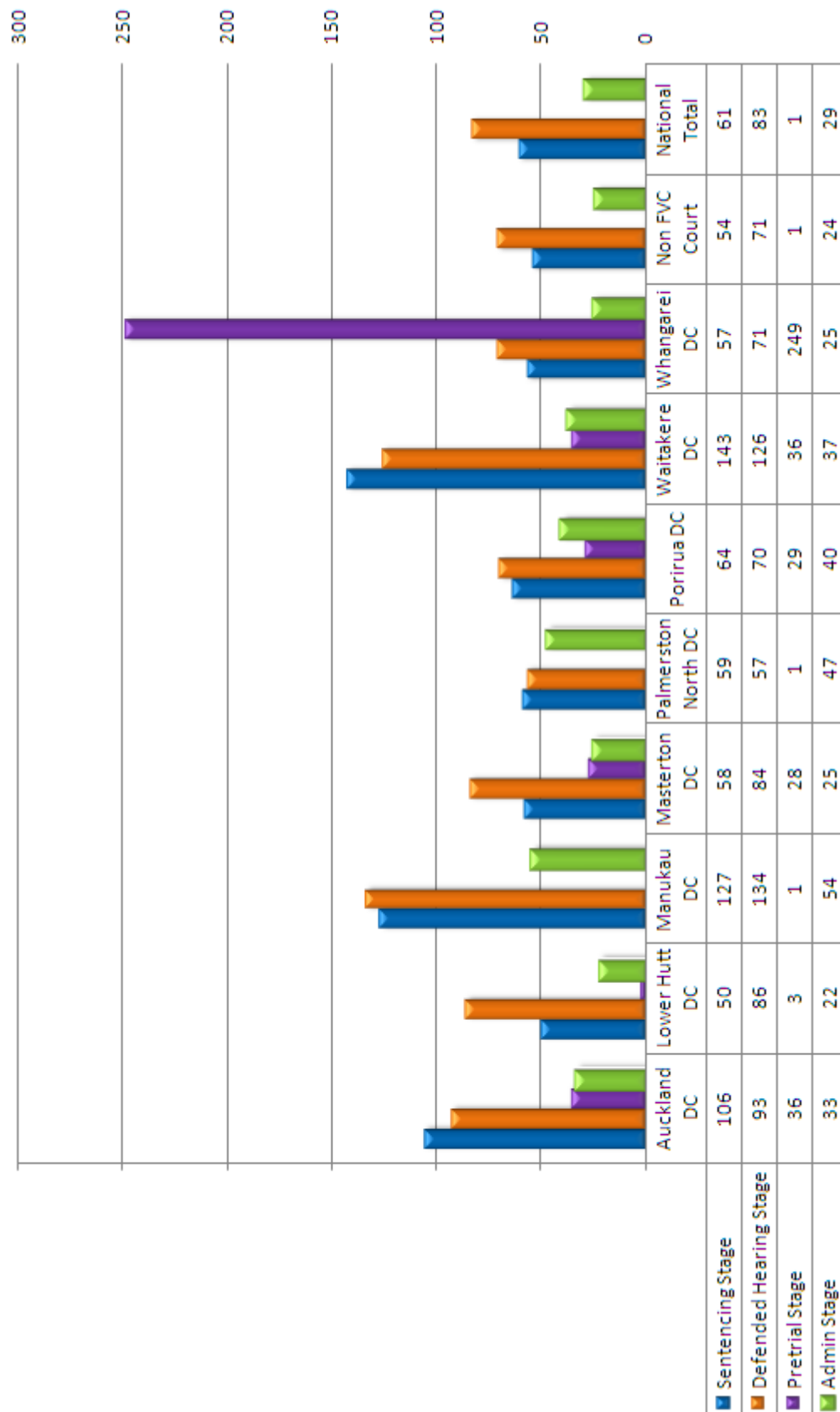
Median number of events in each stage by Family Violence Court

Median number of events in each stage by Family Violence Court
1 July 2011 - 30 June 2012



Median number of days for each stage by Family Violence Court

Median days for each stage by Family Violence Court
1 July 2011 - 30 June 2012



Guilty and Not-Guilty Pleas in the Family Violence Court

The tables below show the percentage of disposed cases heard (not guilty), withdrawn or where a guilty plea was entered in FVCs and domestic violence cases across all criminal courts over the previous two financial years.

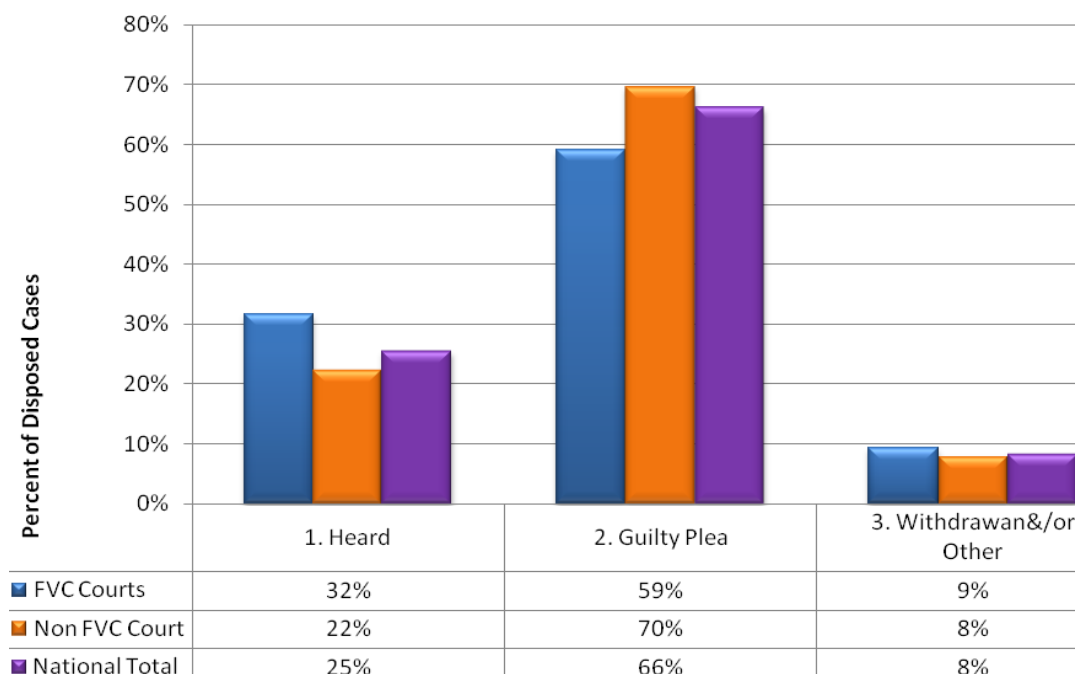
FVCs:

Financial Year	Heard (not guilty)	Guilty plea	Withdrawn
2011/2012	32%	59%	9%
2010/2011	14%	59%	27%

National total (domestic violence cases in all courts across the country):

Financial Year	Heard (not guilty)	Guilty plea	Withdrawn
2011/2012	25%	66%	8%
2010/2011	10%	67%	23%

Comparison of not guilty (heard) vs guilty (plea) & withdrawal Family Violence Case disposals for Family Violence Courts vs Non- Family Violence Courts 1 July 2011 – 30 June 2012



Notes:

- A case is classified as withdrawn if all the charges on it were withdrawn.
- A case is classified as guilty track if at least one of the charges on it received a guilty plea, any remaining charges on the case may have also had guilty pleas recorded or been withdrawn.
- A case is classified as not-guilty track if all the charges on it were determined at a Defended Hearing.

Guilty and Not Guilty Pleas in the Family Violence Court - Individual Court Comparison

The following tables are an individual court comparison of the number and percentage of cases heard (not guilty), withdrawn or where a guilty plea was entered.

Family Violence Court	Disposal Method			Total
	1. Heard	2. Guilty Plea	3. Withdrawn&/or Other**	
	Number of Cases Disposed in the FVC Jul 11 - Jun 12			
Auckland DC	253	416	88	757
Lower Hutt DC	74	204	40	318
Manukau DC	646	884	96	1,626
Masterton DC	39	112	11	162
Palmerston North DC	39	202	48	289
Porirua DC	79	286	49	414
Waitakere DC	141	278	46	465
Whangarei DC	120	206	27	353
FVC Courts	1,391	2,588	405	4,384
Non FVC Court	2,017	6,273	720	9,010
National Total	3,408	8,861	1,125	13,394

Family Violence Court	Disposal Method		
	1. Heard	2. Guilty Plea	3. Withdrawn&/or Other**
	Percent of Cases Disposed in the FVC Jul 11 - Jun 12		
Auckland DC	33%	55%	12%
Lower Hutt DC	23%	64%	13%
Manukau DC	40%	54%	6%
Masterton DC	24%	69%	7%
Palmerston North DC	13%	70%	17%
Porirua DC	19%	69%	12%
Waitakere DC	30%	60%	10%
Whangarei DC	34%	58%	8%
FVC Courts	32%	59%	9%
Non FVC Court	22%	70%	8%
National Total	25%	66%	8%

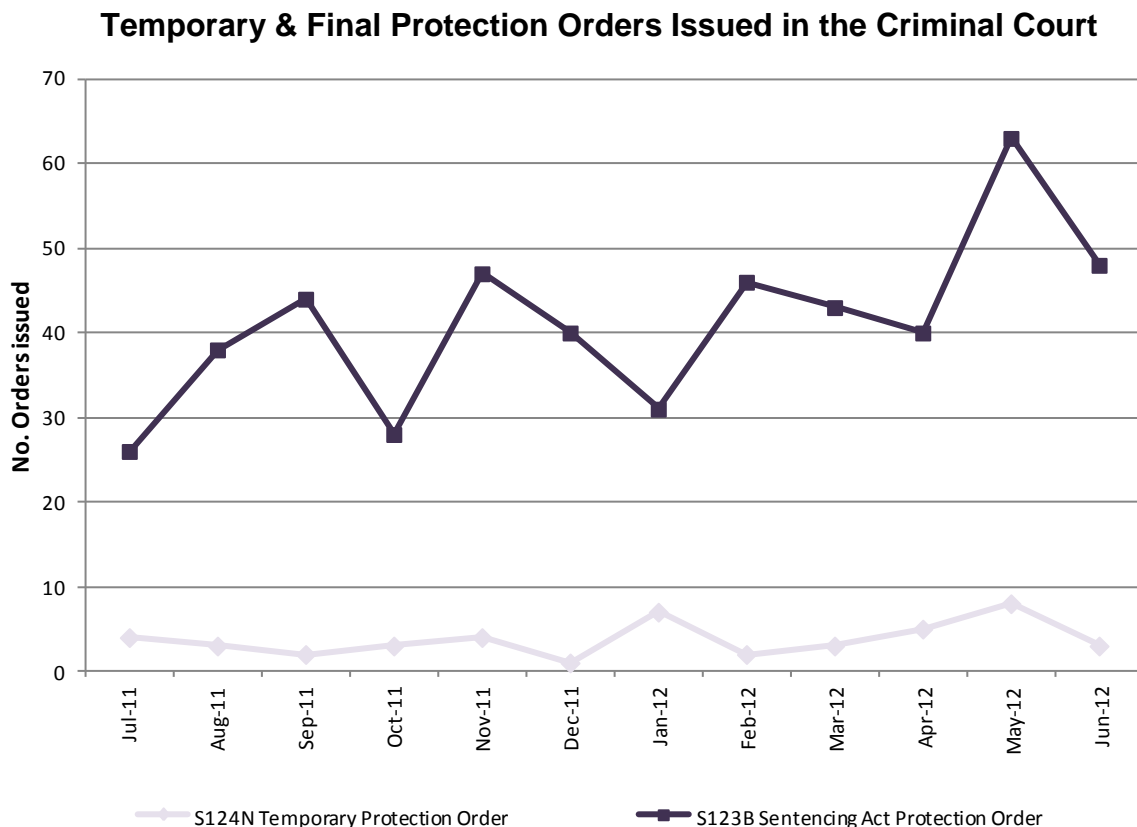
** Other includes charge outcomes such as stays and mental health related (Sections 13, 14 & 25B Criminal procedure (mentally Impaired Persons) Act 2003).

Protection Orders

Protection orders in the Criminal Court

The following graph shows the numbers of protection orders issued in the criminal court per month for the 2011/2012 financial year.

In total 539 protection orders were issued in criminal courts during 2011/2012. This is an increase in 300 protection orders compared to the 2010/2011 financial year.



Initial forecasts estimated that approximately 1,500 protection orders would be issued in the criminal court per annum (375 orders per quarter). Due to numbers of protection orders issued being significantly lower than original anticipated, a reforecast was undertaken for the 2011/2012 financial year. The reforecast estimates that approximately 500 protection orders will be issued in the criminal court per annum (125 per quarter). As the graph above depicts, the number of protection orders issued in Criminal Courts during the 2011/2012 are more in line with the new forecast.

Based on the current data, it is likely that final protection orders will continue to increase at a low rate in the 2012/2013 financial year.

The number of temporary protection orders has remained consistent throughout the current financial year. It is likely that this trend will continue for the 2012/2013 financial year.

Sentencing Outcomes

Sentencing Outcomes

The following table summarises the number of sentences per type compared to the number of sentences nationally.

Family Violence Court	Sentence Type					Total
	Imprisonment	Community	Monetary	Other*	No Sentence**	
	Number of Family Violence Cases Disposed in the FVC Jul 11 - Jun 12					
Auckland DC	39	147	96	78	397	757
Lower Hutt DC	20	93	45	28	132	318
Manukau DC	74	510	150	198	694	1,626
Masterton DC	5	53	52	8	44	162
Palmerston North DC	31	81	33	50	94	289
Porirua DC	20	86	26	25	257	414
Waitakere DC	18	130	18	72	227	465
Whangarei DC	56	140	13	28	116	353
FVC Courts	263	1,240	433	487	1,961	4,384
Non FVC Court	940	3,309	1,184	952	2,625	9,010
National Total	1,203	4,549	1,617	1,439	4,586	13,394

* Other includes the sentence types;

- Driving (E.g. disqualifications, revoked licence etc)
- Orders (including final protection order)
- Other (E.g. to come up for sentence, non association)

** No sentence includes numbers of both conviction and discharge and discharge without conviction. Future reports will break numbers down further to reflect this.

Comparison of sentence types imposed on Family Violence Case disposals
for Family Violence Courts vs Non- Family Violence Courts 1 July 2011 - 31 December 2012



Future Quarterly Reports

The Criminal and Youth team is committed to producing reports that add value to those using the information in them. To give feedback on this report or seek clarification of any data included, please contact Catherine Dodd, Acting Manager, Criminal and Youth Jurisdiction (catherine.dodd@justice.govt.nz)

Appendix

PRACTICE NOTE – DOMESTIC VIOLENCE PROSECUTIONS

1. This practice note applies to all summary domestic violence prosecutions in the District Court.
2. The purpose of this practice note is to introduce a standard procedure for the management of domestic violence prosecutions, so that such cases are given priority and are heard and finalised with the least possible delay which is consistent with the rights and interests of all parties, including defendants and complainants.
3. In this practice note "domestic violence charge" includes any charge which alleges conduct of a nature within the definition of "domestic violence" in section 3 of the Domestic Violence Act 1995.
4. The time limits which are prescribed in paragraphs 5, 7 and 8 of this practice note, but not the overall time limit which is prescribed in paragraph 10, are subject to compliance by the Police with all disclosure obligations. However, any disclosure issue must be raised without delay and must not be left until the defendant's next appearance.
5. A plea to a domestic violence charge is to be entered not more than two weeks after the defendant's first appearance.
6. If the defendant pleads guilty, he or she is to be sentenced or remanded for sentence in the usual way.
7. If the defendant pleads not guilty, and if status hearings are held for domestic violence cases at the court where the charge is to be heard, the following timetable is to apply:
 - a) The status hearing is to be not more than four weeks after the plea is entered.
 - b) If the charge is not resolved at the status hearing, the defended hearing is to be not more than six weeks after the status hearing (if practicable, the date for the defended hearing should be allocated, on an "if required" basis, when the status hearing date is allocated).
8. If the defendant pleads not guilty, and if status hearings are not held for domestic violence cases at the court where the charge is to be heard, the defended hearing is to be not more than six weeks after the plea is entered.
9. The time limits which are prescribed in this practice note may be extended to the minimum extent necessary in circuit courts which sit less frequently than fortnightly. However, consideration should then be given to whether a case should be transferred to the nearest court where sittings are more frequent.

10. Notwithstanding the preceding paragraphs, but subject to paragraph 11, any domestic violence charge is to be heard and determined, with the exception of any sentencing, within 13 weeks (i.e. three months) after the defendant's first appearance. If such a charge is replaced by another domestic violence charge, that time limit relates to the first appearance on the original charge.
11. The time limits which are prescribed in this practice note may be extended by not more than a total of four weeks if the defendant's first appearance is between 10 November and 10 January, both inclusive.
12. This practice note takes effect on 1 February 2005. In respect of any case which was commenced prior to that date, it is to apply to all steps in the proceeding which occur on or after 1 February 2005.

D J Carruthers
Chief District Court Judge

22 December 2004