

Family Violence Offenders

Introduction

The term “family violence” covers a broad range of violent and controlling behaviours suffered by persons with whom a perpetrator shares (or has shared) an intimate, family or family-like relationshipⁱ. Family violence can be physical, sexual and/or psychological in nature, actual or threatened, and may involve fear, intimidation and emotional deprivation. Family violence also includes behaviours that depart from a reasonable standard of care for children or vulnerable personsⁱⁱ.

This paper sets out to describe the sub-group of offenders managed by the Department who are sentenced for family violence offences.

In the Corrections context, offences most commonly associated with family violence include assaults and injuring, sexual assault, threats and intimidation, property damage, and breaches of orders. In a small number of cases family violence involves homicide offences (Murder, Manslaughter).

Analysis of family violence offending is complex because of the range of offences involved, and because available data

do not always clearly convey whether an offence relates specifically to family violence. The data used for this analysis therefore comes from two sources; NZ Police data enables the linking of sentences to family violence offences, although this data is somewhat limited, spanning only the period January 2011 to December 2013; secondly, the Department’s own sentencing data includes certain codes that specify some offences as family violence-related.

Where definitive data is not available, data points have been estimated by calculating the rate of offenders starting family violence offences in 2011-2013 and extrapolating against the total number of unique offenders starting sentences each year. These have been depicted as dotted lines on graphs.

Secondly, it is common for offenders to be sentenced on a number of different offences; in some cases, the mix of offences includes family violence offences, but these offences may or may not be the most serious in the mix. In this report, the term “family violence aggregate sentence” is used to refer to a sentence where any (one or more) of the offences relate to family violence.

International comparison

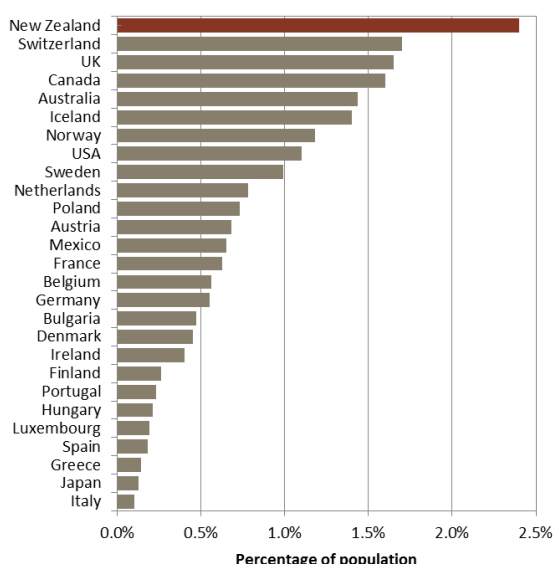


Figure 1 Percentage of population who have been a victim of partner violence or sexual assault, 2005ⁱⁱⁱ

That family violence is a serious problem for New Zealand is generally recognised and accepted. The sheer scale of the problem however is underlined when rates of family violence here are compared with other countries. The statistics in Figure 1 were gathered from a multi-country personal survey, and represent annual prevalence rates of physical assaults, threats and sexual offenses (rape, attempted rate or indecent assault) by an intimate partner.

International comparison data are always subject to qualification and must be used with caution, but the extent to which New Zealand appears to deviate from the international average for this type of violence is quite extraordinary.

Family violence in New Zealand

The scale of the issue is further illustrated by the figures in Figure 2. This indicates between 80,000 and 90,000 police investigations each year centring on family violence. Around half of these involve some form of violence towards children. Over 30,000 individuals are identified by Police each year as responsible for family violence offending.

Recent analysis of family violence homicides has demonstrated that just under a half of all homicides in New Zealand are family-related^{iv}. These family violence homicides amount to around 35 deaths per year which, from a *per capita* perspective, is a rate more than twice that of Australia, Canada or the United Kingdom.

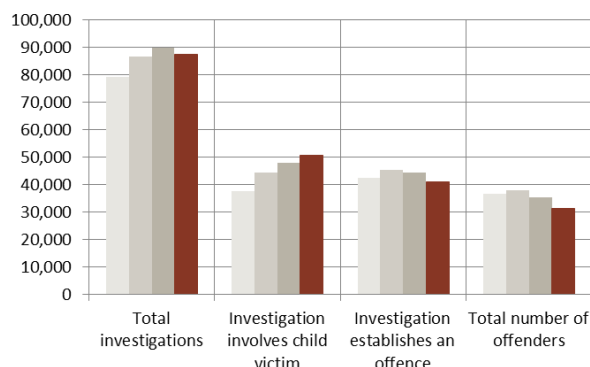


Figure 2 Total family violence investigations 2009-2012^v

Family violence offenders

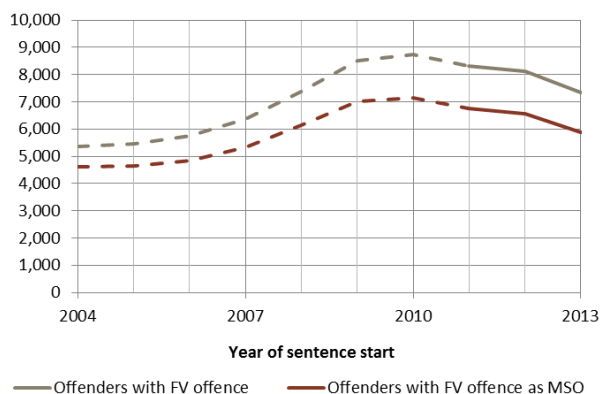


Figure 4 Number of offenders commencing a sentence for family violence within the year, 2004 - 2013

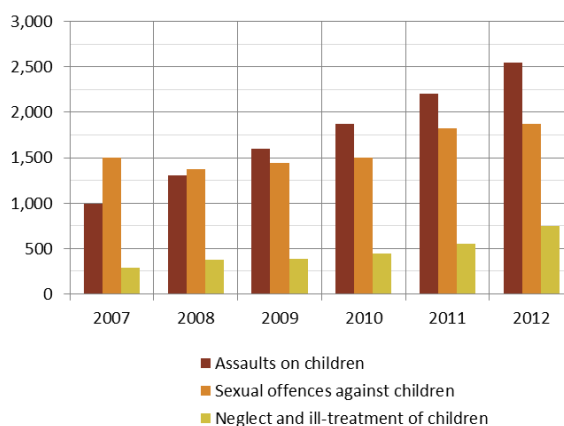


Figure 3 Number of recorded offences against children

Against the general trend in recorded violence crime, offences for various forms of violence toward children have been increasing in recent years. Figure 3 reports this trend for three sub-categories of offences: assaults, sexual offences, plus neglect and ill-treatment^{vi}. Total counts increased by nearly 11 percent between 2010/11 and 2011/12, on top of a 21 percent increase the previous year. For the five years to June 2012, recorded violent offences toward children increased by 84 percent.

Figure 4 shows the number of offenders each year that started a Corrections-administered sentence for family violence offences. The upper line shows numbers of offenders where any of the relevant offences were family violence-related, while the lower line refers to numbers of offenders who started a sentence where the most serious offence was family violence-related. As noted above, annual data for 2011-2013 is based on offences being reliably tagged as family violence-related; as these "tags" are not available for earlier years, prior years' figures are estimates.

These figures indicate that family violence results in a very significant number of offenders whom the Department is required to manage each year. A peak reached in 2010 however has more recently begun to return towards levels recorded a decade ago.

Family violence offending as a proportion of all sentences managed

Figure 5 provides figures which reveal the extent to which family violence offending features in the Department's overall sentence management workload. The figures here relate to offenders who started a sentence in 2013 where at least one family violence offence was related to the sentence commencing that year.

This shows that 17 percent of all sentences managed by the Department were imposed as a result of family violence convictions. Family violence featured most strongly amongst offenders commencing Supervision and Intensive Supervision sentences, with 29 percent of all supervision-type sentences relating to this form of offending. Community Detention sentences was least likely to be applied, with fewer than 10 percent of these sentences related to family violence.

Overall, 17 percent of all sentences that commenced in 2013 were related to offending that included at least one family violence offence conviction.

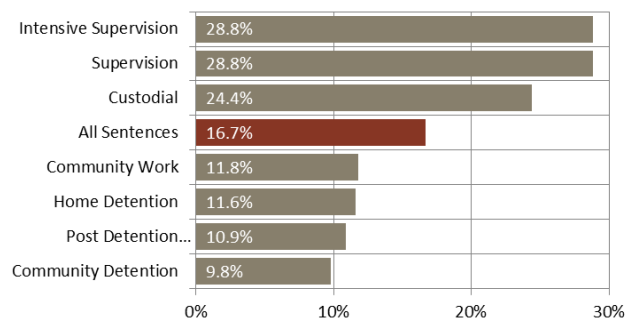


Figure 5 Proportion of sentences started in 2013 involving one or more family violence offence, 2004 - 2013

Sentence starts

Figure 6 displays the number of offenders commencing sentences where at least one family violence offence was involved, broken down by sentence type. This graph only counts each offender once per year - if more than one sentence is started in the year then only the most "severe" sentence has been counted.

The bars prior to January 2011 (left of the line) have been estimated by calculating the rate of aggregate sentence starts which contain one or more family violence sentence in 2011-2013 and extrapolating against the total number of aggregate sentence starts each year.

The graph reflects the implementation of new sentences that became available following the 2007 Sentencing Amendment Act.

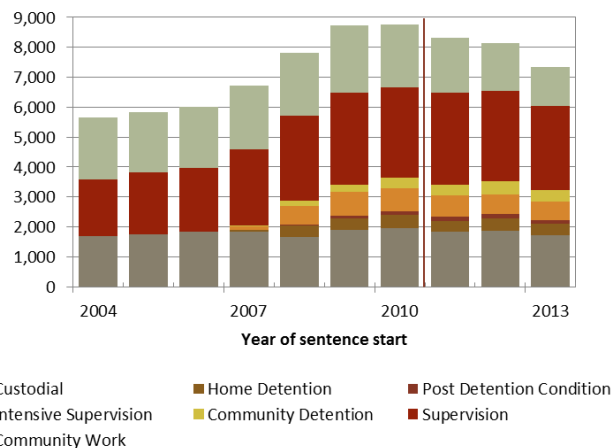


Figure 6 Number of family violence offenders who started a sentence, 2004 – 2013, by sentence type

Most serious offence

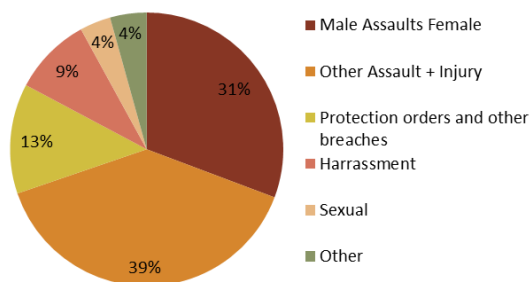


Figure 7 Most serious offence for offenders who started a sentence in 2013 where family violence was the most serious offence

In 2013, 6,220 offenders started a sentence where family violence was the most serious related offence. Figure 7 reveals that 36 percent of offenders were convicted of offences labelled above as “Other Assault and Injury”, which includes Common Assault, Aggravated Assault, Wounding with Intent, and Injuring with Intent to Cause Grievous Bodily Harm.

Not showing up in the annual total offence breakdown is 18 offenders who commenced life sentences for family violence-related homicides. Sex offences form around four percent of family violence offences.

In 2013 an additional 1,111 offenders started sentences with a family violence offence included in the mix of convictions, but where family violence was not the most serious offence.

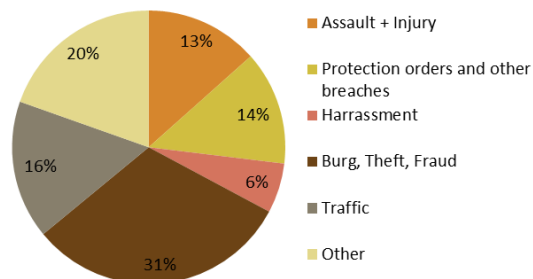


Figure 8 Most serious offence for offenders who started a sentence in 2013 where family violence was not the most serious offence

Offences against the person account for the majority of offences in this cohort (Other Assault, Male Assaults Female, Breach Order, Threats and Intimidation), with a third having a most serious offence of Other Assault. Although these offences are not tagged as family violence they *may* include offences that were in fact family violence-related but are not verifiable as such.

Most serious offence by gender

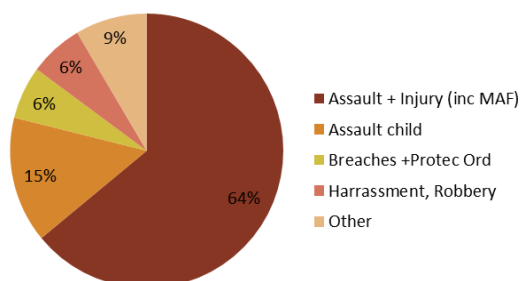


Figure 9 Most serious offence for female offenders who started a sentence in 2013 for family violence

Sixty-four percent of female FV offenders were sentenced for an Assault + Injury (including Male Assaults Female) offence. This is not dissimilar to all male FV offenders, where 63 percent were sentenced for an Assault + Injury (including Male Assaults Female) offence.

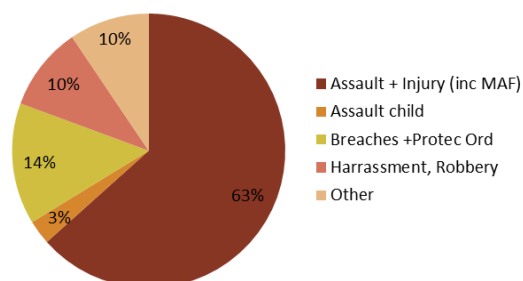


Figure 10 Most serious offence for male offenders who started a sentence in 2013 for family violence

Interestingly, the second most common offence for male and female offenders differs strikingly. For female family violence offenders the next most common offence is against a child, which accounts for 15 percent of all female offenders, but only three percent of male offenders.

Breaches and protection order offences account for 14 percent of male offenders, but only 6 percent of female offenders.

Family violence offenders as percentage of all violent and sexual offenders

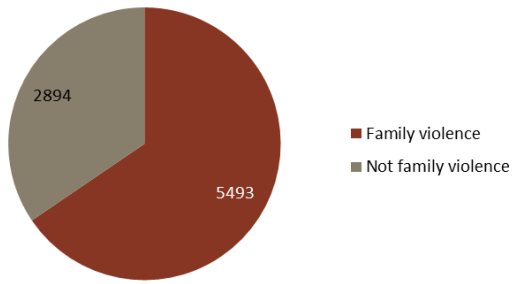


Figure 11 Percentage of offenders who started a sentence for a violent offence that was family violence-related

Figure 11 shows that, of all offenders who started a Corrections-administered sentence in 2013 for an offence involving violence, 66 percent of these involved an offence that was family violence-related.

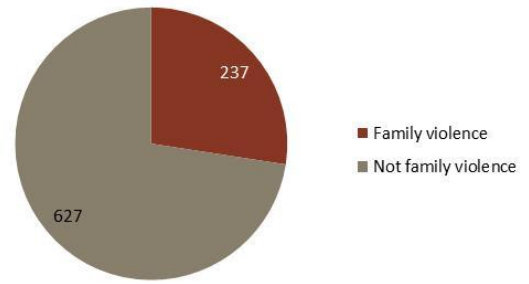


Figure 12 Percentage of offenders who started a sentence for a sexual offence that was family violence-related

Similarly, Figure 12 shows that, of all offenders who started a sentence for a sexual offence, 27 percent were family violence-related.

These figures clearly underline the significance of family violence as a driver of volumes for Corrections, particularly in relation to offenders convicted of serious offending.

Gender

Female offenders feature as a not-insignificant proportion of family violence offenders receiving sentences administered by the Department. Figure 13 shows the unique number of male and female offenders who started an aggregate sentence for family violence each year. Dotted lines represent estimated values based on known rates.

In 2011, female offenders represented 11.0% of the family violence cohort, with minimal change to 2013 where they dropped to 10.3%.

The number of offenders has decreased since 2011 (see Figure 4), female offenders by 18 percent, and male offenders by 11 percent.

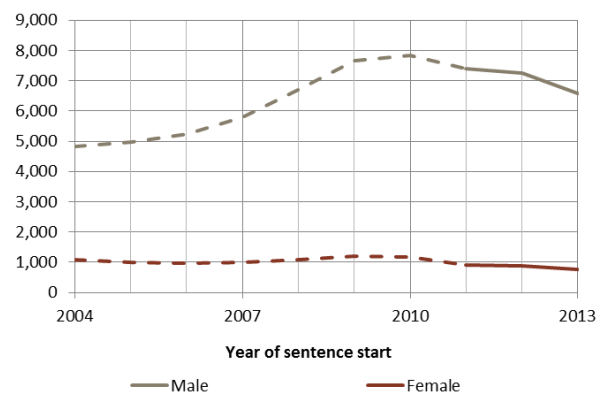


Figure 13 Number of offenders who started a sentence for family violence offences, 2004 – 2013, by gender

Age

Figure 14 shows the distribution of age groups for all offenders who started a sentence for family violence in 2013 compared with all offenders who started a sentence in 2013.

In general, family violence offenders present as a slightly older group than the general offender population, with fewer under 30 years old offenders starting sentences, and slightly greater proportions of older offenders.

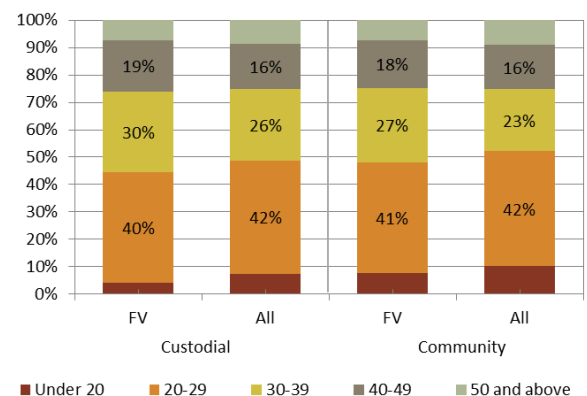


Figure 14 Distribution of age groups for offenders who started a sentence for family violence in 2013

Ethnicity

Figure 15 shows the number of unique offenders who started a sentence for family violence each year, broken down by their ethnicity. In 2013, Maori offenders made up 51% of the family violence cohort, Europeans 29% and Pacific Peoples, 11%.

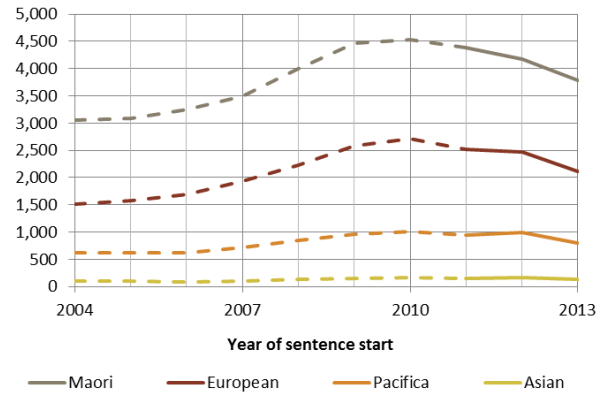


Figure 15 Number of offenders who started a sentence for family violence, 2004 – 2013, by ethnicity

Gangs

Figure 16 shows the proportion of all offenders who are recorded as gang members, separated out in terms of family violence offences or all offences. This is further disaggregated by custodial and community sentences.

The percentage of offenders who are gang members and serving custodial sentences for family violence offences is almost identical to the proportion in the general prisoner population. The percentage of offenders who are gang members and start community sentences for family violence is however higher than for general community sentence population. It should be noted however that gang data for community sentenced offenders is less reliably recorded than for prisoners.

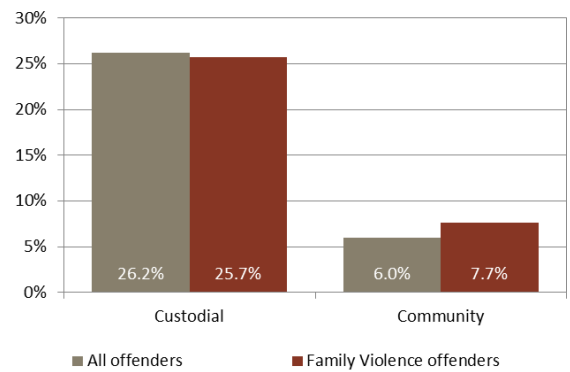


Figure 16 Proportion of offenders with gang affiliations who started a sentence for family violence offences in 2013

Risk of reoffending

Figure 17 shows family violence offenders commencing a sentence in 2013 disaggregated by risk of re-offending band (risk ratings used are the Roc*RoI score calculated closest to the date on which an offender was sentenced).

Around sixty percent of family violence offenders starting a prison sentence are in the medium risk band, and 25 percent are high risk offenders (high risk means a risk score indicating a 70% of higher probability of reimprisonment within five years of release). These proportions are considerably higher than in the community, where fifty-five percent of family violence offenders each year are in the lower risk band.

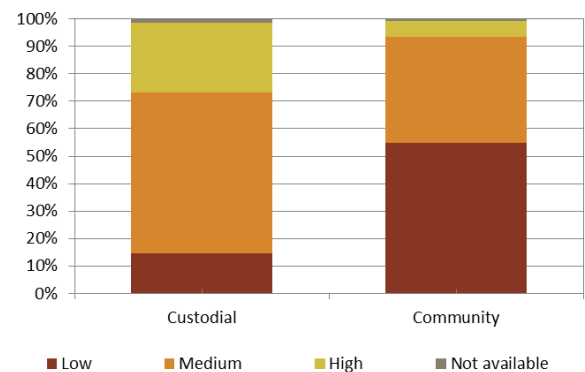


Figure 17 Proportion of offenders who started a sentence for family violence offences in 2013, by risk band

Sub-types of family violence offenders

Approximately 21 percent of offenders sentenced for family violence in 2013 had no previous sentences of any kind prior to the family violence conviction in 2013.

Of those offenders with some conviction and sentencing history, the majority (64%) of those sentenced to imprisonment for family violence offences have prior convictions for offences mainly of other types. Histories examined included offence types across the entire offence classification range.

Around 30 percent of family violence offenders can be described as “specialist” violent offenders. This description has been applied where over one third of all convictions and sentences relate to violent offences. It is not possible to determine at the individual level however whether all, or a majority of the violent offences are specifically family violence-related.

Around six percent of offenders sentenced to imprisonment for a family violence-related sexual offence are found to have criminal histories that predominantly feature sex offences.

Of those with prior histories, the breakdown by previous predominant offence type is represented in Figure 20.

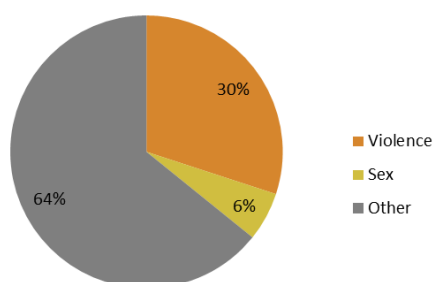


Figure 20 Percent of offenders by predominant offence-type history

A graphical representation developed by the Department – the *Offender Timeline* – depicts individual criminal histories in a simplified visual format.

Each offender’s timeline starts at the left as the offender’s date of birth, and continues until very recently. Longer timelines represent older offenders and shorter timelines, younger. Interspersed along each timeline are markers representing elements of a unique offending history:

- Markers above the timeline represent individual offences; the colour of each marker depicts the nature of the offence (see Legend opposite).
- The slight differences in height of each marker above the line depict the seriousness score for each offence.
- The colour of each bar below the timeline depicts the nature of the most serious offence for which a sentence was imposed
- The depth of each bar below the line depicts the nature of the imposed sentence or order (see Legend).
- The length of each bar depicts the length of the sentence or order.

LEGEND	
<u>Line colour = offence type</u>	<u>Line thickness (above line) = seriousness score</u>
Sexual Offences	Score <= 40
Violence related	Score <= 100
Other	Score <= 1000
	Score > 1000
	<u>Line thickness (below line) = sentence type</u>
	Community sentenced
	Parole or ROC
	Remanded in custody
	Prison sentenced

Figure 21 Legend for offender timelines

Timelines for violent FV offenders



Figure 22 Sample of FV offenders with history of mainly violent offending

The timelines in Figure 19 depict the criminal history timelines of a selection of offenders who were convicted recently for a family violence offence, and whose criminal histories have predominantly featured other violence-type offences (and, occasionally, sexual also). This pattern was found to apply to around one third of all family violence offenders. It is likely that this type of offender is violent in a range of interpersonal situations and relationships, with family violence just one manifestation of this.

Timelines for sexual FV offenders



Figure 23 Sample of FV offenders with history of mainly sexual offending

The timelines in Figure 20 depict the criminal history timelines of a selection of offenders who were convicted recently for a family violence offence of a sexual nature (e.g., Husband Rapes Wife), and who have criminal histories predominantly featuring other sexual offences. This pattern was found to apply to around six percent of all family violence offenders. Unfortunately the available data does not make it clear whether all sexual offences committed by this type of offender occur in the context of family-type relationships.

Timelines for other FV offenders



Figure 24 Sample of FV offenders with a significant history of "other" offences

The timelines in Figure 21 depict the criminal history timelines of the most common type of offenders convicted for family violence offences. Their criminal histories featured family violence offences as one or more amongst convictions for a wide range of other offences types. This



pattern was found to apply to around two thirds of all family violence offenders. It is likely that, for this type of offender, family violence is simply one further manifestation of a generalised criminality.

Conclusion

Family violence is one of the most serious and persistent issues that faces New Zealand as a society. The analysis here indicates that family violence offenders managed on sentences administered by the Department of Corrections are not dissimilar to the general offender populations in prison or on community sentences. Only minor proportional differences emerge when this sub-group is examined in terms of age, gender, ethnicity, and gang affiliation.

On the other hand, family violence is a major driver of Corrections' volumes. Family violence is at the core of the majority of violent offending that ends in community or prison sentences, and is involved in a surprisingly substantial proportion of sexual offending-related sentences.

Though numbers of offenders are beginning to decline, the analysis indicates that a sharper Departmental focus on family violence, both as a target for rehabilitative and reintegrative interventions, is fully justified.

Endnotes

ⁱ The term "domestic violence", in use for many years, usually referred to violence between two people living in a close relationship such as spouses, de facto couples and same sex couples. More recently it has been recognised that violence between two people in such relationships impacts greatly on other members of the family, household and even community, but especially on children. For this reason the broader term of "family violence" is preferred. See http://www.jigsaw.org.nz/Site/Help/Hot_Topics/family_violence.aspx

ⁱⁱ http://www.familiescommission.org.nz/sites/default/files/family-violence-indicators-summary-2013_0.pdf

ⁱⁱⁱ International Crime and Victim Survey (2004-2005) and European Crime and Safety Survey (2005).

^{iv} Family violence death review: Fourth annual report (2013).

^v "Data Summary: Violence Against Women." *New Zealand Family Violence Clearinghouse*. June 2013

^{vi} Recorded crime statistics from Statistics New Zealand, reproduced in Johnson, A., and Salvation Army Social Policy and Parliamentary Unit. *She'll Be Right*. Feb 2013.