



**Royal Commission**  
into Family Violence

**WITNESS STATEMENT OF JOANNE CATHERINE DE LACY AND GLENN  
ALWYN RUTTER**

We, Joanne Catherine de Lacy, Team Leader of Court Integrated Services Program, Magistrates Court of Victoria (10 Foundry Rd Sunshine), in the State of Victoria and Glenn Alwyn Rutter, Manager of Court Support and Diversion Services, Magistrates' Court of Victoria (223 William St Melbourne), in the State of Victoria, say as follows:

1. We are authorised by the Magistrates' Court of Victoria to make this statement on its behalf.
2. We refer to and rely on the Magistrates' Court's submissions to the Victorian Royal Commission into Family Violence (**Royal Commission**) dated June 2015.
3. We make this statement on the basis of our own knowledge, save where otherwise stated. Where we make statements based on information provided by others, we believe such information to be true.

**Current role**

4. Joanne is a Team Leader of the Magistrates' Court's 'Court Integrated Services Program' (**CISP**), based at Sunshine Magistrates' Court. She has held this position since October 2012. In this position she is responsible for the operations of the CISP program at Sunshine Magistrates' Court, management of a team of CISP case managers at that location and program supervision of two CREDIT/Bail Support Program case managers at Geelong and Ballarat Magistrates' Courts.
5. Glenn is the Manager of Court Support and Diversion Services, Magistrates' Court of Victoria. He has held this position since March 2011. In this position he is responsible for management of the CISP program, the CREDIT/Bail Support Program, the Assessment and Referral Court (ARC) List, the Enforcement Review Program Special Circumstances List and the Criminal Justice Diversion Program.

## Background and qualifications

6. Joanne holds the following qualifications: Advanced Diploma of Psychological Counselling, Diploma of Community Welfare Work, Diploma of Alcohol and other Drugs Work and Certificate IV in Mental Health Non-Clinical.
7. From 1981 – 1996, Joanne worked in disability services, commencing with the then Spastic Society in 1981 before moving to the Department of Human Services Disability Services in 1988. Between 1988 and 1996 Joanne worked between Victorian government disability services and non-government community sector organisations including Ballarat City Council and Central Highlands Independent Living, providing in home support to people with a range of disabilities.
8. Between 1996 -2009, Joanne worked for a range of services in the mental health field, focusing on youth and adult mental health in the community sector and the drug and alcohol sector. This included roles with Centacare Ballarat, Tabor House youth residential withdrawal unit and Windana Drug and Alcohol Service.
9. Joanne began working in courts in 2009, initially working as a Case Manager at Sunshine Magistrates' Court. In this position she was responsible for providing case management for a period of up to four months to accused persons who's offending may be precipitated by a range of social issues.
10. In 2011, she was appointed as the CISP Team Leader at Latrobe Valley Magistrates' Court, before returning in October 2012 to Sunshine Magistrates' Court as the CISP Team Leader at that court.
11. Glenn is a social worker and is a member of the Australian Association of Social Workers. As well as qualifications in social work, Glenn holds graduate qualifications in drug and alcohol studies and in management, and masters degrees in education, suicidology and public administration.
12. Between 1997 and 1999, and 2001 and 2009, Glenn worked in public mental health services in metropolitan and regional Victoria. This included roles as an early psychosis clinician, a senior dual diagnosis clinician and a social work discipline senior. Between 1990 and 2001, Glenn worked for a rural community health service in a youth suicide prevention role.
13. In 2009 Glenn commenced employment as a Senior Policy Officer with the Department of Justice in the Courts and Tribunal Unit. In this role he was

responsible for the implementation of the Assessment and Referral Court (ARC) List, Victoria's first mental health problem solving court.

14. In 2011 Glenn was appointed to his current role with the Magistrates' Court of Victoria.

#### **Court Integrated Services Program (CISP)**

15. The Magistrates' Court of Victoria is currently funded to provide the CISP, a four month multi-disciplinary case management program for accused persons who are on bail or summons in the criminal jurisdiction.
16. While the CISP is not a family violence specific program, people who are presenting with family violence issues at Magistrates' Courts are increasingly accessing the CISP. Offenders participating in the CISP are predominantly male.
17. The CISP, which commenced operating in the Latrobe Valley, Melbourne and Sunshine Magistrates' Courts in 2006, provides a coordinated, team based approach to the assessment and treatment of participants and aims to:
  - 17.1. provide short-term assistance for accused with health and social needs before sentencing;
  - 17.2. identify and address the causes of offending through individualised case management support; and
  - 17.3. reduce re-offending rates and contribute to a safer community.
18. The CISP currently employs 30 full-time equivalent staff across the three CISP Magistrates' Court venues. The CREDIT/Bail Support Program, which is similar to CISP, employs 9 full-time equivalent staff across eight Magistrates' Court locations. The two programs provide case management support to approximately 2,000 participants annually. The Magistrates' Court of Victoria is also trialling the CISP Remand Outreach Pilot, with support from Corrections Victoria, to assist remandees who are on remand and considering applying for bail.
19. The Koori Liaison Officer Program, which also operates as part of the CISP, works with Koori accused when they enter the court system with the aims of addressing the over-representation of Koori people in the Victorian justice system and assisting Koori people to maximise their chances of rehabilitation through culturally

appropriate and sensitive intervention. The Koori Liaison Officer Program is a state-wide service located at the Melbourne Magistrates' Court.

### **Access to the CISP**

20. Any party to a Magistrates' Court criminal proceeding can access once-off support from the CISP by way of referral, including applicants, respondents and accused from all jurisdictions of the Magistrates' Court. This includes the Family Violence Division. However, case management is currently only provided to those who have been charged with criminal offences, which includes breaches of intervention orders. The accused must provide consent to be involved in the program.
21. Referrals to the CISP can be made by the police, legal representatives, Magistrates, court staff, support services, family, friends, or the person themselves.
22. Once a referral has been made, CISP staff assess applicants as to their eligibility, and evaluate risk and causes of offending. CISP staff provide a report to the Magistrate who determines whether the applicant is eligible to participate in the CISP.
23. The CISP works within a risk mitigation framework, including the development of risk management plans, and aims to reduce the risks of future violence. The CISP is aimed at accused persons who are assessed at a moderate/high risk of offending and who can be assisted. The general eligibility criteria are:
  - 23.1. the accused must be charged with an offence (the type of offence is not limited);
  - 23.2. the accused is on summons, bail or remand pending a bail hearing;
  - 23.3. the accused person's history of offending or current offending indicates a likelihood of further offending;
  - 23.4. the matter before the court warrants intervention to reduce risk and address needs; and
  - 23.5. the accused has:
    - physical or mental disabilities or illnesses;
    - drug and alcohol dependency and misuse issues; and/or

- inadequate social, family and economic support that contributes to the frequency or severity of their offending.
24. The program is available to the accused regardless of whether a plea has been entered or whether they intend to plead guilty or not.
  25. CISP's risk mitigation framework usually involves a higher rate of contact with the offender and more frequent reports to the Magistrate responsible for the matter.
  26. The program usually commences at the remand stage, starting at the time of the bail application and operating for four months, although there has been a recent trend of Magistrates requesting that accused participate in the CISP mid-way through the court process as an alternative to sentencing at that time. The CISP enables the Magistrate to be provided with further information about the offender to assist with risk management and sentencing. It can operate as a stabilisation for offenders before they commence a Community Corrections Order which is important because, without that opportunity, the system is otherwise potentially setting offenders up to fail by granting orders which will almost certainly be breached, resulting in further court appearances.
  27. The CISP is not a one off program; offenders are able to participate in the CISP more than once and it is not unusual for offenders to initially re-offend and be re-referred to the program. We see a number of offenders several times as we do not always achieve the full impact of the program the first time around.

#### **Treatment focus of the CISP**

28. The CISP aims to provide a form of therapeutic intervention to address issues identified as the underpinnings of offending, including family violence offences. As we are obviously not able to repair a lifetime of trauma in a four month program, we seek to initiate a range of interventions in the hope of shifting the trajectory for offenders.
29. Whilst CISP does provide a level of monitoring of accused, if therapeutic approaches and supervision/monitoring approaches are thought of as lying on a continuum, the CISP model sits towards the therapeutic end of the spectrum. We have the capacity to give people a range of opportunities and chances and, in that sense, our approach is different to Corrections Victoria.

30. Following assessment of an offender, CISP staff offer a variety of referrals and support. This support could range from a community referral to case management, depending on the participant's needs. Services offered include:
  - 30.1. assessment and referral to treatment;
  - 30.2. case management;
  - 30.3. brokered treatment for access to drug and alcohol, mental health, housing and acquired brain injury related needs;
  - 30.4. referral to outreach services for participants requiring intensive or ongoing support; and
  - 30.5. providing progress reports to the court.
31. Our core model is a case management model. CISP staff develop a case management plan with each participant accepted onto the program detailing referrals and linkages to community treatment and support services. We are not the treatment provider; we assess needs and make nuanced, appropriate referrals taking into consideration what will be of benefit to each individual offender and monitoring them to ensure that they are actually attending those appointments. A case manager is assigned to each participant to review his/her progress on the program.
32. The case management model allows us to increase the frequency that we see offenders as required and enables us to focus on reliability and accountability. If the court also decides to monitor the participant's progress via judicial supervision, CISP staff provide progress reports throughout the participant's time on the CISP.
33. One of the key features of the CISP is that the staff are court employees. We are neutral; supporting offenders and advocating for their needs without being their legal advocate (they have a legal advocate). Part of the advocacy process is the provision of regular impartial progress reports to the court. We build relationships with Magistrates to inform them about the circumstances of offenders, for example, if they we are dealing with trauma related matters which are impacting on their ability to comply with court ordered appointments at that time.
34. We do not however play a corrections or supervisory role for offenders. The purpose of CISP is not for an offender to simply show up and complete court work orders.

Instead, we build a therapeutic relationship with offenders, identify and respond to needs and aim to help rather than monitor. The CISP is about accountability, but in a supportive form.

### **The CISP and family violence perpetrators**

35. The CISP routinely works with offenders charged with family violence offences. Since 2006/07, the proportion of total CISP assessments involving family violence has increased from 12% to nearly one in five cases in 2014/15 (until 30 April 2015), with 19% of all CISP assessments identifying family violence in 2014/15 (until 30 April 2015). This figures includes breach of intervention order offences.
36. CISP participants presenting with family violence issues tend to be male (86%), between the ages of 25 and 34 years (43%), and present with multiple and complex issues, including long-term unemployment (48%), drug and alcohol use, abuse or dependence (31% of CISP participants identified with drug use, abuse or dependence and 32% identified with alcohol use, abuse or dependence) and mental health issues (46%).
37. While working with alleged perpetrators of family violence, CISP case managers liaise regularly with Victoria Police prosecutors and informants, as well as other statutory agencies such as the Child Protection Service in order to manage risk. Where appropriate, information regarding risks to victim(s) and the community is shared, as is information about any further offending.
38. In response to the increasing number of accused persons accessing the CISP who are presenting with family violence issues, the program is referring perpetrators of family violence to Men's Behavioural Change Programs and psychologists for one-on-one behaviour change interventions.
39. Depending on their needs, participants may also be referred to programs to address other factors, such as substance abuse and mental illness, which may be contributing to their violent behaviour.
40. Where the offence involves family violence, we keep a particular eye on the participant because there is likely to be ongoing contact with the victim, unlike other forms of offending.



### **Female participants**

41. While the majority of accused persons accessing the CISP are male, women are an important participant group, comprised of a diverse range of sub-groups. For example, there is an over representation of Vietnamese, Koori and younger women, which is very concerning. In our recent experience, many young female accused are now charged with ice (methamphetamine) related crimes.
42. Female accused participating in the CISP also tend to be slightly more complex than male participants. Most have multiple needs including drug and alcohol addiction, mental health issues and homelessness. A lot of women also enter the CISP as an accused person but then reveal a history of significant victimhood including family violence against them and their children. The CISP is an opportunity for female participants to deal with some of those complexities.
43. The CISP focuses on the broader needs of accused persons as well as specifically criminogenic needs. We are able to balance both sides by offering case management in relation to court matters relating to women's own offending and the associated expectations of the court in terms of dealing with treatment and corrections orders, while also understanding that when those women go home they are being assaulted, are in fear of their lives and are trying to protect their children. Managing this complex web of issues is immensely difficult and the CISP assists the court by presenting women's circumstances to the court so that the Magistrate has been informed of the full story when determining how to deal with accused person.

### **The CISP and victims**

44. As the program focuses on those alleged to have committed an offence, CISP workers do not commonly have contact with victims, which unfortunately creates knowledge gaps, particularly in relation to risk assessment. Due to this lack of contact, we have to build a picture of the family violence situation based on information from the perpetrator and sources such as the summary of charges. There are obviously limitations with relying on this information.
45. The CISP can initially provide respite for the victim because there's finally eyes on the matter and the involvement of third parties. The participant is referred to



treatment and the victim has time to evaluate their circumstances and consider their options. Victims can also be referred to appropriate support services and provided with assistance with practical supports such as emergency accommodation and financial counselling.

46. Another family violence victim cohort that the CISP deals with, particularly in the Assessment and Referral Court (**ARC**) for accused persons with mental health issues, are parents. We now see many young adults who have mental health issues or cognitive impairments who are assaulting their parents. In those situations the CISP and the ARC List is working directly with the victim because the victim is the carer. Often these matters involve difficult issues of relocation because the parents have reached their limit of what they can do to deal with the accused person.

### **Reducing offending**

47. In short, the CISP reduces offending. The key thing that the CISP assesses is whether the participant has appeared in court again and been re-convicted since participating in the CISP. We look at a two year window.
48. An independent evaluation of the CISP conducted in 2009 found that those people participating in the program had an average reduction of 32.6 days of imprisonment when compared with a control group. The evaluation also found that 50.5 per cent of CISP participants incurred no further criminal charges. Updated recidivism data is currently being compiled.
49. Of those CISP participants who did re-offend, there was a lowering of the level and frequency of offending which indicates a change in trajectory. Often this is seen for participants who participate in the CISP two or three times. Each time they reduce their offending, then eventually they effectively cease offending.
50. In our experience, the CISP reduces offending because it addresses the underpinning issues. It focuses on challenging and safe conversations with participants and also closely considers what assistance and support we offer to participants that will be meaningful and changeful and that they will want to participate in. We ask participants about themselves as a human being. This has a significant impact because many of them have never had their story heard, engaged in challenging conversations or been tested about their beliefs.

51. Many accused persons have also not received treatment and support in a broad way and have not had the benefit of a wide range of people providing such support. The CISP plays an important role in linking participants to a range of services to create and maintain a supportive service system around them to assist once they have completed the program. Some participants participating in the CISP have long service system histories, and have therefore burnt bridges and no longer have access to many services. We try to re-build those networks.
52. The CISP is a sector spanning program in that we pull everything together through case management and ensure that all services are communicating and on the same page. This is critical as it is often what is missing for accused persons. In family violence matters it is absolutely crucial that everyone has access to the same information.

**Potential for application of CISP to monitoring respondents to intervention orders**

53. The CISP has the potential to be used to work with respondents with intervention orders but who are not facing criminal charges. The scope of the CISP model could be expanded from its current scope of primarily working with those facing criminal charges to engage respondents to intervention orders of family violence in a therapeutic way to address the sources of family violence offending. Such an approach would see respondents asked to undertake an assessment and, if eligible and consenting, be offered a period of case management, with referrals as appropriate to behaviour change programs and other programs aimed at addressing the underpinnings of their violence. Combined with regular reviews and monitoring by judiciary, this could be a potent tool to reduce the incident of family violence.
54. The CISP is successful because it works to engage accused persons as human beings and to address the underpinnings of offending. Whilst in many cases of family violence addiction, mental illness, acquired brain injury and other factors contribute to the violence, there are perpetrators of family violence where these factors do not contribute to the violence. The primary issue, rather, is the perpetrator's attitudes towards violence and women. In these situations, given its focus on addressing the underpinnings of offending, a program such as CISP might not be effective.

55. Similarly, for CISP to be effective there needs to be some level of commitment to addressing issues, as well as a willingness to engage with the program. With the existing program if, after the first month of participating in the CISP, it is clear that an accused person is participating just to tick a box and go through the motions, we note in the progress report for the court that the participant is not taking advantage of the program and recommend they should not continue. Perpetrators who are unwilling to participate or who do not have identifiable needs would be unlikely to benefit from the CISP.
56. Whilst there are many benefits from doing so, the number of intervention orders and respondents made in Victoria are an obvious logistical hurdle to expanding the availability of CISP for respondents to family violence orders. For example, the CISP currently runs caseloads of 20 participants at a time and we consider that a case manager has had a very strong year if they are able to manage 50 participants. These numbers pale in comparison to the number of intervention orders made in Victoria.
57. In terms of intervention orders, a primarily supervisory or monitoring role could be introduced for Corrections or a similar agency as an alternative to the approach of CISP. This would potentially improve accountability in the short term and has the benefit of being able to apply to everyone, although it will not necessarily work with everyone. However, it is unclear whether a primarily monitoring function would successfully reduce incidents of family violence unless it was able to also address issues such as addiction and mental illness.
58. In order for a program such as the CISP to be successful in reducing family violence, there needs to be someone assessing the perpetrator's needs from a welfare perspective, communicating with them to make sure that they are attending appointments, and ensuring that the program designed for them is operating effectively. A program which reduces this case management focus and replaces it with a primarily supervisory or monitoring role, would arguably not be as effective as one which has these elements.
59. An ideal application of the CISP in relation to family violence would be in conjunction with a range of responses tailored to different perpetrators. For example, this could include:

- 59.1. Referrals for first time perpetrators so that issues can be identified and addressed early;
  - 59.2. A CISP type program to work with perpetrators
  - 59.3. An intensive supervisory model for those whose behaviour will only change if they believe they are being monitored closely; and
  - 59.4. A family violence problem solving court for perpetrators at the deeper end of the scale modelled on the Assessment and Referral Court (**ARC**) program. This is discussed in further detail below.
60. The above tailored system would allow underpinning issues to be addressed, especially for the recalcitrant group of offenders who continually end up before the courts. Recidivist family violence offenders need to be closely monitored and brought back before the court to slowly erode some of the barriers to change.
61. The above would be enhanced by judicial monitoring, whereby perpetrators are required to appear before the same magistrate to discuss their progress, or lack thereof.

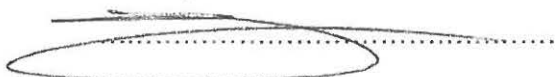
#### **The problem solving approach**

62. The Assessment and Referral Court (ARC) List program referred to above sees accused persons participate in a 12 month case management program including meeting with the Magistrate (in court but sitting across the bar table in a less formal manner) once a month to have a therapeutic conversation. These conversations are led by the Magistrate but may also include program staff, carers, and/or family. Currently, the ARC List is focused on those who have a serious mental illness or a cognitive impairment, but the model can readily be applied to other cohorts of offenders. The ARC List is incredibly powerful.
63. Although a 12 month problem solving court program like that of the ARC is very resource intensive, including a substantial time commitment from Magistrates, we consider it to be a resource saver because the accused persons at the deeper end of the scale are already resource intensive and require a lot of the courts' time. The group of accused persons participating in the ARC program have an average of 100 prior offences each, spanning 15 years before the Magistrates' Court. A responsive, tailored system could therefore employ the CISP model first with an ability for accused persons to access a deeper model if required.

64. It must be acknowledged that there is a group of family violence perpetrators who can be changed and a group who cannot. Ultimately, the CISP will be successful in relation to working with many perpetrators but there may be a relatively small, hard core group of men where the only solution to stop their offending is something similar to the permanent monitoring programs used for sex offenders.

### **Resourcing issues**

65. The biggest challenge with our current CISP model is that we simply do not have options in terms of referrals, treatment and support. If family violence is present, we are able to refer participants to Men's Behaviour Change Programs, but currently in most cases they are being placed on a waiting list, which does little to address risks. Also, Men's Behaviour Change Programs do not necessarily work for all. When a man is behaving violently because he chooses to do so, not because an underlying issue such as drugs and/or alcohol is causing him to behave that way, it is very difficult to achieve real change within a short timeframe. There needs to be options offering a differentiated and tailored response and the ability to work with offenders one on one. Also, in our experience, many CISP participants with family violence offences do not respond well to group programs.
66. Another challenge is that the CISP relies on the capability of the broader service system. This is difficult in circumstances where the service system is stretched. For example, one of the current challenges that we face is the breakdown in the availability of emergency housing. If the CISP is to be applied to a large scale program, that will have an impact on the demand on the service system.
67. In summary, we are of the view that the CISP, resources permitting, would be successful for many perpetrators if used to engage and monitor respondents to family violence intervention orders or perpetrators charged with breach offences.



**Joanne Catherine de Lacy**



**Glenn Alwyn Rutter**

Dated: 27 July 2015