



Arrested Female Offenders

In Auckland City

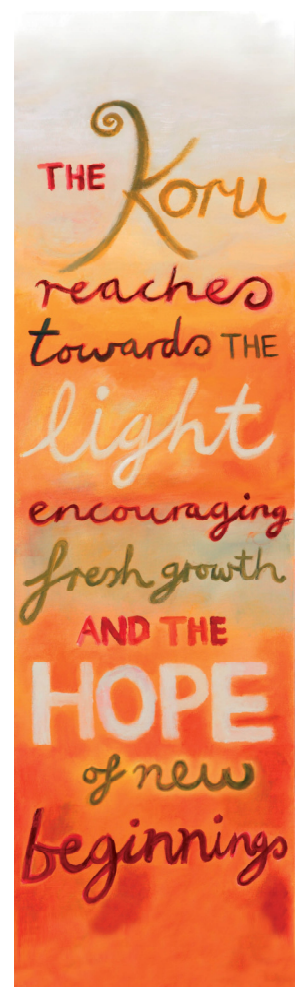
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Safer Homes In New Zealand Everyday

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Introduction

Overwhelmingly in New Zealand, men present as the perpetrators of domestic violence against their female partners.

In 2005/06 New Zealand NZ Police apprehended 25,356 male family violence offenders compared to 4,135 female offenders (Statistics provided by NZ Police Commissioners Office, from the NZ Family Violence Clearinghouse). Thus females were 14% of all arrested domestic violence offenders in 2005/6.

In recent years, Preventing Violence in the Home staff have heard various members of the community assert that female offending within the context of domestic violence is on the rise. Our staff have not noticed any increase in female offending as a result of referrals received from Auckland City NZ Police. We believed that it was important to study recent data in order to determine whether in fact female domestic violence offending was increasing, and if so, how significantly.

We believed that it would be useful to simultaneously gather information about the dynamics of female domestic violence offending. We were particularly keen to explore the prevalence of female domestic violence offenders who were previously reported as victims by the NZ Police, and/or who were previously supported by Preventing Violence in the Home advocates—as our advocates report working with this type of case on a fairly regular basis.

Purpose

The purpose of this study is to gain a better understanding of the prevalence and dynamics of female offending in the context of domestic violence in Auckland City.

We are aware that many communities in the United States, the United Kingdom, and Australia, have developed more tailored criminal justice and community responses to domestic violence depending on whether the violence has been identified as "battering", i.e. violence perpetrated in order to maintain power and control over another person, or as "responsive", i.e. violence perpetrated in response to battering. These tailored responses have come about as communities have recognised that responding to both types of violence in the same way often has a detrimental impact on the safety of (overwhelmingly female) victims of battering who are arrested for using responsive violence. We are hopeful that this report will help to inform further changes within the criminal justice sector and community response to domestic violence, in order to more effectively promote victim safety and offender accountability.

Methodology

This audit provides a detailed analysis of female offenders arrested in the Auckland City NZ Police District over a six month period— 1 April to 30 September 2008.

The study also provides a deeper understanding of the context in which female offending occurs, including information about:

- Who has the female offender offended against?
- Who made the call to NZ Police?
- What physical injury was inflicted by the female offender?
- Has the female offender used threatening behaviour?
- What risk score has been determined by NZ Police on the family violence report form?
- Has the victim in the matter reported feeling scared of the female offender?
- Is there a Protection Order in place?
- Has the female offender been known previously as a victim of domestic violence?
- Does the female offender have a previous pattern or history of domestic violence offending toward the victim?
- In what instances are alcohol, drugs and mental health issues being reflected in NZ Police reporting with regard to the female offender and the victim?

NZ Police immediately notify Preventing Violence in the Home advocates every time a family violence arrest is made. Advocates generally visit the victim's home within several hours of the arrest to provide the victim with information, support and referrals.

Preventing Violence in the Home receives copies of all NZ Police Family Violence Reports. Information from these reports is entered onto the Preventing Violence in the Home database.

NZ Police Family Violence Reports include a risk assessment that is routinely completed by NZ Police attending family violence incidents¹. This risk assessment tool is used at the scene to help NZ Police determine the level of future risk, in terms of dangerousness and lethality to the victim from the offender. The resulting score helps guide the NZ Police response. The NZ Police risk assessment includes questions about psychological as well physical abuse, offender's behaviour (present and past) and the victim's perceptions of risk to her/himself.

The total score from the tool assesses risk as follows:

<u>Scores</u>	- 15 to 1	No apparent risk
	2 to 10	Low risk
	11 to 16	Moderate risk
	17 to 23	High risk
	24 +	Extreme risk.

All arrests in the District are processed by the Auckland Family Violence Court. The outcome of court appearances are not routinely made known to Preventing Violence in the Home; therefore, we are unable to provide data on resulting convictions or sentence outcomes.

As well as detailing information from previous incidents responded to by NZ Police (including those that do not result in an arrest), the extensive Preventing Violence in the Home client database records information relating to attendance at the men's stopping violence programme, Child Crisis Team records, and relevant information entered by advocates, including the history and dynamics of abuse within the relationship as reported by the victim.

¹ A template of the NZ Police Family Violence Report form is attached as Appendix B.

Information relating to each female offender was collated and organised into a spreadsheet. Identifying elements were removed to ensure victim and offender confidentiality. Offenders were coded into subsets relating to whom they had offended against. Historical information was used to help sort the data accordingly. Data analysis was then used to highlight factors associated with offending within each subset. Similarities and differences across the offending were identified, and are analysed within this report.²

Offending was organised into general categories to remove any identifiable content. These categories were based on four main types of offending including, violence to person, violence to property, threats and trespass.

Violence to person (assault) is defined in the Crimes Act 1961 as:

“Assault means the act of intentionally applying or attempting to apply force to the person of another, directly or indirectly, or threatening by any act or gesture to apply such force to the person of another, if the person making the threat has, or causes the other to believe on reasonable grounds that he has, present ability to effect his purpose; and to assault has a corresponding meaning

- *To injure means to cause actual bodily harm*
- *Property includes real and personal property, and any estate or interest in any real or personal property, money, electricity, and any debt, and any thing in action, and any other right or interest” (interpretation)*

Violence to property relates to cases where the female offender was arrested on a charge of wilful damage. Wilful damage is defined in the Summary Offences Act 1981 as being,

“(1) Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding \$2,000 who intentionally—

- *(a) Damages any property; or*
- *(b) Sets on fire any tree or other vegetation”.*

² Numbers of male victims over the six month period were recorded (see Appendix A). However, no contextual information was gathered for these victims, as this was not the primary purpose of this study.

Within the categories offences were coded in the following ways³

Category	Level of offence	Description
Violence to person	Assault one	Slapping, pushing; no injuries and/or lasting pain
	Assault two	Punching, kicking; bruises, cuts and/or continuing pain.
	Assault three	“Beating up”; severe contusions, burns, broken bones
	Assault four	Threat to use a weapon; head injury, internal injury, permanent injury
	Assault five	Use of a weapon; wounds from weapon
Violence to property	Wilful damage	Damage to property
Threats	Verbal abuse	Name calling/abuse, nuisance calls
	Threats to harm	
Trespass	Refusal to leave	

Data is included in this report within tables to show the types of offending and is sorted according to the categories in the above chart.

In some cases the NZ Police Family Violence Reports showed information detailing the female’s use of violence as self defence in response to the male victim’s use of violence towards her. Where this is evident it is indicated next to the level of offence in the tables.

Cases where both parties in an incident were arrested are termed dual arrests.

Some offenders, offended twice during the study period and so while there were 60 arrests there were only 57 offenders in total. However, throughout this report the female offenders will be referred to as ‘60 offenders’ because information was collected separately for each arrest.

³ The Jacquelyn Campbell danger assessment (2003) was used to code the incidents. The Danger Assessment has been used by law enforcement and health care professionals, and domestic violence advocates for 25 years to identify those with the highest level of danger.

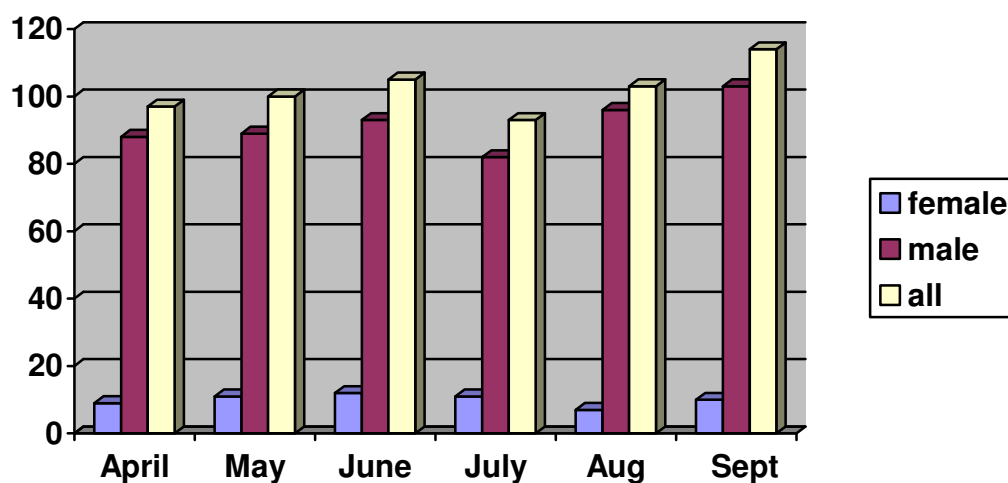
Findings

I. Overall Findings

Arrest rates of female offenders

For the six month period studied, **female offenders comprised 10% of all domestic violence arrests in the Auckland City District** (60 out of 612), and ranged from 9 to 12% of all domestic violence arrests for each of the six months. There was not an observable increase in female offending during these six months.

Table one: Rates and gender of offenders by month.



Month	Number of arrests	% of all arrests
April 2008	9%	9 out of 97 arrests
May 2008	11%	11 out of 100 arrests
June 2008	11%	12 out of 105 arrests
July 2008	12%	11 out of 93 arrests
August 2008	7%	7 out of 103 arrests
September 2008	9%	10 out of 114 arrests
Total Apr - Sept	10%	60 out of 612 arrests

Relationship between offender and victim

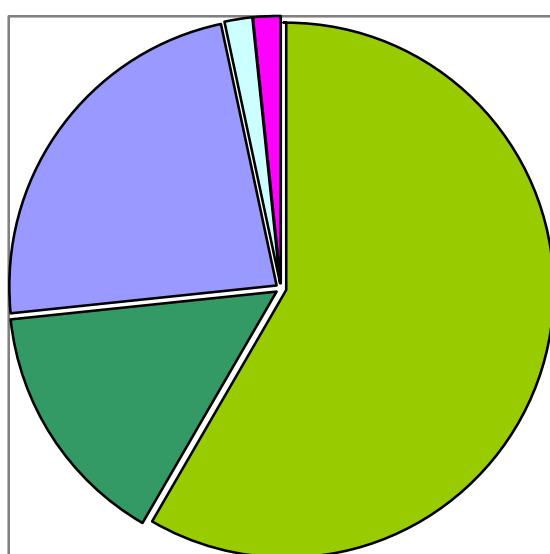
For the 6 month period 1 April to 30 September 2008, 60 women were arrested on family violence related charges in the Auckland City NZ Police district. Of these 60 cases:

- 20 involved female victims: 9 lesbian (ex) partners, 10 family members, 1 dependent of a caregiver
- 40 involved male victims: 35 (ex) partners, 4 family members, and 1 unknown relationship

The following table shows a breakdown of the relationships in which the offending occurred.

Table two: Relationship of female offender with victim

Month	TOTAL	April 08	May 08	June 08	July 08	Aug 08	Sept 08
Hetero (ex)partner	35	6	7	7	6	6	3
Same sex (ex)partner	9	1	2	1			5
Child/parent/family	14	2	2	4	4	1	1
Caregiver	1				1		
Unsure	1						1
Total female Offenders	60	9	11	12	11	7	10



- heterosexual (ex) partners
- same sex (ex) partners
- child/parent/family
- caregiver
- unknown

Charges and Categories of Offending

The sixty female offenders featured in this study were arrested on a range of charges including:

Table three: Types of charges and numbers arrested for each charge

Charge arrested on	Number of cases
Assault	26
Assault with a Weapon	8
Assault on a Child	2
Wounding with Intent to Cause Grievous Bodily Harm	1
Assault with Intent to Injure	1
Breach of Protection Order	4
Wilful Damage	7
Possession of Offensive Weapon	1
Trespass	5
Breach of Bail	1
Disorderly Behaviour	2
Unknown	2
TOTAL	60

II. Female offenders with female victims

There were twenty cases (out of 60) of females offending against female victims, or one-third of the total. The subsets of relationships between offender and victim in these cases are as follows:

9	same sex partner or ex-partner
8	mother/daughter relationship
1	caregiver and client
1	sibling
1	another family relationship

A. Lesbian (ex) partner violence

Table four: Lesbian (ex) partnership offending
(ND – No details recorded)

	Relationship of offender to victim	Alcohol involved	PVH History of offender as victim	Victim scared	Previous offending by offender	Previous offending by victim	Protection Orders exist	Dual Arrest	Type of offence	Risk Score -15 to 24+
1	Ex	Y	N	ND	N	N	N	N	Assault one	ND
2	Partner	Y	N	Y	Y	N	N	N	Assault two	16 mod
3	Ex	N	N	Y	Y	N	Y	N	Threatening nuisance calls	8 low
4	Partner	Y	N	Y	N	N	N	N	Assault two	-2 no
5	Partner	Y	N	Y	Y	N	N	Y	Assault two	1 no
6	Partner	Y	Y	N	Y	N	N	Y	Assault five	10 low
7	Ex	Y	N	Y	Y	N	N	N	Assault one	1 no
8	Ex	N	N	N	N	N	Y	N	Trespass	-12 no
9	Partner	Y	N	Y	Y	N	N	N	Verbal/wilful damage	10 low

NZ Police risk assessment category indicated in the chart (and following charts in this report) as follows:

"no"	-15 to 1	No apparent risk
"low"	2 to 10	Low risk
"mod"	11 to 16	Moderate risk
"high"	17 to 23	High risk
"extr"	24 +	Extreme risk.

In six cases the victim called the NZ Police, in one case a victim's employer called the NZ Police, and in two cases (a dual arrest) a family member called the NZ Police.

In five of the nine cases, the abuse was reported by the victim to be worsening over time, and there were records showing previous offending by the offender against this victim, i.e. these were not one-off incidents. In three cases no historical information was recorded by Preventing Violence in the Home. In the remaining case, the female offender was previously known as the victim of the violence rather than as the offender—in this incident both parties were arrested.

Two threats were recorded on the NZ Police Family Violence Reports out of the nine cases. Both of these threats related to one female offender and she threatened suicide on both occasions.

NZ Police risk assessment appeared incongruent with the level of violence described by NZ Police in most cases. This is the case with three of the four cases in which the offenders were deemed of no apparent risk. The three women who were deemed to be low risk and the one who was at the uppermost end of the moderate risk scale were all reported using what appears to be serious violence against their partners and property. In one case no risk score was recorded.

B. Mother/daughter relationship

Table five: Mother daughter offending

	Relationship of offender to victim	Alcohol involved	PVH History of offender as victim	Victim scared	Previous offending by offender	Previous offending by victim	Protection Orders exist	Dual Arrest	Type of offence	Risk Score -15 to 24+
1	Mother	N	N	Y	Y	N	N	N	Assault two	5 low
2	Mother	N	N	Y	N	N	N	N	Assault five	3 low
3	Daughter	N	N	Y	Y	N	N	N	Assault one	9 low
4	Mother	Y	N	N	N	N	N	N	Assault two	6 low
5	Mother	Y	N	N	N	N	N	N	Verbal	-8 no
6	Daughter	Y	N	Y	Y	N	Y	N	Assault one	7 low
7	Daughter	N	N	ND	N	N	N	ND	Assault two	-14 no
8	Daughter	N	Y	N	N	N	N	N	Trespass	-10 no

(ND – No details recorded)

All of the female offenders in this category received risk scores indicating they were low or no apparent risk offenders (<10 score), including the mother with an 'Assault five' type of offense. Within the mother/daughter offending category, only one victim had a Protection Order at the time of the arrest, although in some cases the abuse was ongoing and half of victims reported being frightened of the offender.

Numbers of mothers and daughters as offenders were equal. Overall, the violence perpetrated by the mother offenders appears notably more serious than that of the daughters. But the highest NZ Police risk scores were attached to the daughters as offenders.

Three of the four daughter victims were in their twenties and one was twelve. The daughters as offenders were aged, 32, 27, 22, and 16, and three of them did not live with their mothers.

C. Sibling violence

There was only one recorded case of violence between siblings in the study. In this case the victim was 20 years old and the offender was 18. The victim did report feeling scared of the offender. The violence involved is coded as category Assault two. NZ Police gave this case a -6 risk score, indicating the offender was of no apparent risk even though the violence appeared to be serious in this case.

D. Family member

The one case of female offending towards a female family member, is the only female offender identified in the six month period to receive a high risk NZ Police risk assessment score (17). The offender used violence which was coded as category Assault two and wilful damage. There was a Protection Order in place against this offender but the victim she attacked on this occasion was not the applicant of the order. No details were taken regarding the victim's fear of the offender. Preventing Violence in the Home worked with this offender previously as a victim of a high-risk male partner.

E. Other relationship

In one case the female offender was a caregiver of the female victim. She was arrested for violence on numerous occasions which was coded as Assault one. No details were gained about whether the victim was scared and there was no Protection Order in place. NZ Police were alerted by an outsider.

III. Female offenders of male victims

There were forty cases (out of 60) of females offending against male victims, or two-thirds of the total. The subsets of relationships between offender and victim in these cases are as follows:

	Category of female offender with male victim
19	Intimate partner and she has history as victim of male
6	Intimate partner and she has history as offender
10	Intimate partner and no known history
5	Other male victims

Heterosexual (ex) partner violence

Thirty-five female offenders were arrested for offending against their male (ex) partners. In 19 of these cases, Preventing Violence in the Home had previously known or worked with the female offender as a victim. In ten cases there was no known history of her as an offender or victim. In six cases there was a history relating to the female as the offender in more than one NZ Police call out (two of these cases relate to the same offender).

A. Female offenders previously known as victims

Nineteen female offenders were previously recorded as victims of the men they offended against. These women represent 54% of the women arrested for offences against their male (ex) partners, and 32% (nearly one-third) of all female offenders in the study.

Information has been included in the following table relating to the male victim's past behaviour and violence towards the female offender. The same categories of violence that were used to show the level of female offender violence have been used to show this previous male violence. In addition, a further category has been included to show historical NZ Police involvement with the male as the offender if details of the assault were not obtainable.

1 - 2 NZ Police call outs
3 - 5 NZ Police call outs

NZ Police 1-2 co
NZ Police 3-5 co

Table six: Offenders previously known as victims

	Relationship of offender to victim	Alcohol involved	PVH History of offender as victim	Victim scared	Previous offending by offender	Previous offending by victim	Protection Orders exist	Dual Arrest	Type of offence	Risk Score -15 to 24+	Male's previous offending
1	Partner	N	Y	N	N	Y	N	N	Wilful damage	-1 no	NZ Police 3-5 co
2	Ex	Y	Y	N	N	Y	N	N	Assault four	12 mod	Assault four
3	Partner	Y	Y	ND	N	Y	N	N	Assault two	6 low	Assault five
4	Partner	Y	Y	ND	N	Y	N	N	Assault five Self defence	ND	NZ Police 3-5 co Extreme risk
5	Partner	Y	Y	N	N	Y	ND	N	Wilful damage	2 low	Assault three
6	Partner	Y	Y	ND	N	Y	N	N	Trespass	ND	Assault two
7	Partner	N	Y	N	N	Y	N	N	Assault four	-7 no	Assault four Extreme risk
8	Ex	N	Y	N	N	Y	N	N	Assault one Self defence	-7 no	Assault four
9	Ex	N	Y	Y	Y	Y	N	Y	Assault one Self defence	8 low	Assault four
10	Partner	N	Y	N	N	Y	N	N	Assault two	-3 no	NZ Police 1-2 co
11	Partner	Y	Y	ND	N	Y	N	Y	Assault five Self defence	-13 no	NZ Police 3-5 co Extreme risk
12	Partner	N	Y	N	N	Y	ND	N	Assault two	1 no	NZ Police 3-5 co High risk
13	Partner	N	Y	N	N	Y	N	Y	Assault two	8 low	NZ Police 3-5 co
14	Partner	Y	Y	N	N	Y	N	N	Assault one	-10 no	NZ Police 3-5 co
15	Partner	N	Y	ND	N	Y	N	N	Assault five	7 low	NZ Police 1-2 co
16	Partner	Y	Y	N	Y	Y	N	N	Trespass	1 no	Assault two
17	Partner	Y	Y	Y	N	Y	N	Y	Assault one Self defence	2 low	NZ Police 3-5 co Extreme risk
18	Ex	Y	Y	N	N	Y	N	Y	Assault two	4 low	Assault two/ three
19	Ex	Y	Y	N	N	Y	N	N	Assault two	-1 no	Assault two

In eight of these nineteen cases, the male victim called the NZ Police. In three cases no details were recorded about who called. In seven cases an 'other' called, and in one case the female offender called the NZ Police.

In three cases the female offender threatened the male victim, according to the NZ Police report form. In two cases she threatened to commit suicide and in one case she threatened him with a knife.

On three occasions it was recorded that NZ Police suspected the female offender had mental health issues.

None of these female offenders previously known as victims were assessed as high risk by NZ Police, and only one offender in this category was recorded as being of moderate risk. In nine cases, NZ Police ascertained the woman was of no apparent risk to her partner, and in seven cases she was assessed as low risk.

B. Females with a history of offending

Five women (who relate to six cases) had more than one record as the offender against the same male victim. Within this category, two of the women reported that the violence had been perpetrated by both parties. In one case, the male was recorded as the offender in two NZ Police callouts in 2008. Another woman told NZ Police that the male victim had pushed her and verbally abused her.

Table seven: Female as main offender

	Relationship of offender to victim	Alcohol involved	PVH History of offender as victim	Victim scared	Previous offending by offender	Previous offending by victim	Protection Orders exist	Dual Arrest	Type of offence	Risk Score -15 to 24+
1	Partner	N	Y	N	Y	Y	N	N	Assault one	-5 no
2	Partner	Y	Y	Y	Y	Y	N	N	Assault two	13 mod
3	Ex	Y	N	ND	Y	N	N	N	Assault two Self defence	ND
4	Ex	Y	N	N	Y	N	N	N	Wilful damage	-8 no
5	Ex	Y	N	N	Y	N	N	N	Wilful damage	-8 no
6	Ex	N	N	Y	Y	N	N	N	Wilful damage	1 no

In one case the female offender threatened to commit suicide, according to the NZ Police report form.

In three cases, the male victim called the NZ Police, in one case the offender called the NZ Police, in one case an 'other' called and in one case both parties called the NZ Police.

C. Female offenders not known as victims or offenders previously

Ten of the female offenders arrested for offences against a male (ex) partner had no history on the Preventing Violence in the Home database as victims or as offenders.

Preventing Violence in the Home advocates initiated contact with 7 of the 10 (ex) partner male victims of the female offenders in this subset. This involved sending a letter about our services or attempting a phone call, but unfortunately no contact resulted. Therefore no additional information from these male victims was available to provide a fuller picture about these previously unknown offenders. Advocates did not make contact with any of the female offenders in this subset.

Table eight: Previously unknown offenders/victims

	Relationship of offender to victim	Alcohol involved	PVH History of offender as victim	Victim scared	Previous offending by offender	Previous offending by victim	Protection Orders exist	Dual Arrest	Type of offence	Risk Score -15 to 24+
1	Ex	Y	N	N	N	N	N	N	Assault two	6 low
2	Partner	Y	N	Y	N	N	N	N	Assault two	1 no
3	Partner	Y	N	N	N	N	N	N	Wilful damage	-5 no
4	Partner	Y	N	N	N	N	N	Y	Assault two	-14 no
5	Ex	N	N	N	N	N	N	N	Assault four	-6 no
6	Partner	N	N	N	N	N	N	Y	Assault two Self defence	-14 no
7	Ex	N	N	N	N	N	N	N	Assault two	-2 no
8	Partner	N	N	ND	N	N	N	Y	Assault five Self defence	ND
9	Partner	Y	N	N	N	N	N	N	Wilful damage	-8 no
10	Partner	N	N	Y	N	N	N	Y	Assault two Self defence	0 no

Only two victims of female offenders in this category reported being scared of the offender.

In one case where it was recorded that the victim was scared of the female offender, it was difficult to establish who the risk assessment related to—the man or woman—as it was a dual arrest situation. Only one Family Violence Report was completed in this case, and it was used to cover both parties. There is a strong possibility that it related to the female as she told NZ Police that she was afraid of the male, and this was recorded in the supplementary sheet that accompanies the NZ Police report.

In one case the NZ Police recorded on their report form that a female offender threatened to suicide.

In one case NZ Police recorded that the female offender suffered mental health issues.

The NZ Police risk scores for these cases are all very low. Eight of the ten cases have a risk score indicating no apparent risk, one equates to low risk and one case did not have a risk score attached to it.

In four cases both parties were arrested (dual arrest). Three of these cases show use of self-defence by the female offender (cases 6, 8 & 10). In the final case (4) involving dual arrest, the parties both used violence and it is difficult to tell if self-defence was an issue.

D. Other male victims

Five cases were identified in the six month period where the female offender was arrested for offences against a male victim who was not a partner or ex partner.

Table nine: Other male victims

	Relationship of offender to victim	Alcohol involved	PVH History of offender as victim	Victim scared	Previous offending by offender	Previous offending by victim	Protection Orders exist	Dual Arrest	Type of offence	Risk Score -15 to 24+
1	Step mother	N	Y	N	N	N	N	N	Assault four	-3 no
2	Mother	Y	Y	ND	N	N	ND	N	Assault five	ND
3	Mother in law	N	N	N	N	Y	N	N	Assault four Attempting to protect third party	no
4	Unknown							ND	ND	ND
5	Daughter	N	N	ND	Y	N	N	N	Assault two	-1 no

It was only recorded on two of the five cases who made the call to NZ Police for help. In one case the victim called and in one case a member of the public called the NZ Police.

There were mental health issues suspected in one of the five cases.

Overall discussion

Female offenders as a percentage of all domestic violence offenders

Female domestic violence offenders in Auckland City were 10% of all domestic violence offenders over the 6 month period 1 April to 30 September 2008. Numbers of female offenders did not increase during the six month period studied. The percentage of female offenders is affected by the rates of all arrests for domestic violence within any given month. For example the percentage of female offending in July 2008 increased to 12% but this was largely a result of a decrease in male arrests in that month as Table one, pg 7 shows. It is therefore more significant to take account of the actual numbers of female arrests each month.

One third (20 out of 60) of female offenders in this study have previously *only* been recorded by NZ Police as the victim, and not previously recorded as an offender, as follows:

Table ten: Offenders previously recorded as victims.

	TOTAL	Previous history as victim and as offender	Previous history as victim and no previous history is offender
Hetero (ex) partner	35	4	17
Same sex (ex) partner	9	1	
Child/parent/family	14	1	3
Caregiver	1		
Unsure	1		
Total female Offenders	60	6	20

Over half of the female offenders in heterosexual relationships had endured sustained and often serious violence from their male partners in the past. In many of these cases, the violence used by the women was minor compared to what they had endured as victims historically.

A distinction is apparent within the data between female offenders who might be described as “batterers” and female offenders whose violence is ‘responsive’. Therefore, it is likely that the truer picture of female “batterer” offending is significantly less than 10%.

Gender of Victims

Of the 60 cases of female offending in this study, one-third involved female victims and two-thirds involved male victims:

- 20 female victims: 9 Lesbian (ex) partners, 10 family members, 1 dependent of a caregiver.
- 40 male victims: 35 (ex) partners, 4 family members, and 1 unknown relationship.

NZ Police Risk Scores

Overall, most female offenders in this study did not present as dangerous offenders according to NZ Police risk scores:

No apparent risk	33	55%
Low risk	15	25%
Moderate risk	3	5%
High risk	1	2%
Extreme risk	0	0%
No risk score	8	13%

This correlates with the experience of Preventing Violence in the Home advocates, who make their own assessment of risk to victims that are referred by NZ Police. The advocate team assesses approximately twenty to thirty new referrals of female victims of male perpetrators as high risk cases each week. While only one new referral of a male victim with a female perpetrator is assessed as high risk every one to two years.

The risk scores of female offenders with male victims indicate that these offenders are even less dangerous as a subset than female offenders overall:

No apparent risk	25	62%
Low risk	7	18%
Moderate risk	2	5%
High risk	0	0%
Extreme risk	0	0%
No risk score	6	15%

Even amongst the female offenders known previously as offenders, not one woman was identified as high risk or extreme risk.

The level of risk identified by NZ Police in this subset closely mirrors the perceptions of the male heterosexual (ex) partner victims, as reported by NZ Police. In the overwhelming majority of cases the male victims did not report feeling scared of the female offenders. This was most notable in the group of men who were previously known as offenders, with only 11% (2 out of 19) of these male victims reporting feeling scared of the female offender.

Predominant Aggressor and Dual Arrests

Over the years, Preventing Violence in the Home advocates have worked with many women who have been subjected to ongoing abuse by a male (ex) partner and who are arrested at some point for using violence in response to this abuse. In some of these situations, the woman (historically the victim) was the only one arrested in a particular incident. In other situations, the woman and her abusive male partner were both arrested in a particular incident (dual arrest). In our experience, without exception, women in these situations have, as a result of being arrested themselves, been exposed to an increased risk from their partner's abuse and violence.

This study highlights that there is a fairly frequent occurrence of women (20 out of 60) who have previously *only* been recorded by Police as the victim, and not previously recorded as an offender. Of the 'offenders' in this category, 17 used violence against a male (ex) partner who had previously been reported as the offender. Six of the 20 cases involving female offenders previously known only as victims were dual arrests.

Cases involving an additional four female offenders, who were previously unknown as either victims or offenders were also dual arrests.

It has been argued that increased numbers of dual arrests are one of the unexpected outcomes of pro-arrest policing policies since their introduction internationally (Braaf et al, 2007). Overseas research has also found that dual arresting is more likely to occur when both parties claim injury.⁴

Being arrested makes women who are the ongoing victims of violence more vulnerable. This is in part because these victims will be far less likely to ring the Police in the future when they are being threatened or assaulted by their partner, for fear of being arrested themselves. A victim being arrested may also be hugely detrimental to the safety and wellbeing of any children of that victim.

Abusive partners will often use the arrest to their advantage to further abuse the woman. The Preventing Violence in the Home 2007 Monitoring Report of the Auckland Family Violence Court (pg. 36), gave an example of the way in which arrest can compromise a woman's safety. In this case the woman was arrested for common assault when she attempted to protect herself from her husband's assault. Following her arrest her husband threatened to call the Police and say she was breaching her bail conditions if she did not do what he wanted. Her arrest became his weapon of control.

There is great danger in treating victims of "battering" who use responsive violence in the same way as perpetrators of sustained and intentional abuse.

⁴ Braaf 2007, cites a study by Finn and Bennis (2006) in the U.S which looked at arresting rationale of twenty four Police officers. Scenarios were given to officers to consider and in no cases did the husband show sign of injury. The new officers all believed the husband when he said the wife injured him, even though there were no signs of injury, and arrested both parties. The more experienced officers took the husbands into custody and issued the wife with a citation (less punitive).

According to Casey McGee of Praxis International in Duluth Minnesota USA,

"The concept of a primary [or predominant] aggressor was introduced into domestic violence policing in the USA in the early 1980s, in order to differentiate between one who batters his/her partner, and one who reacts to being battered. Violence used to batter and violence used in reaction to being battered pose significantly different public safety risks."

According to Asmus (2004), a predominant aggressor is defined as "the person involved in a domestic assault who by actions in that incident and in the past has caused the other person to feel the most fear and intimidation."

Predominant aggressor policies have proliferated in the United States and other countries, as it has become more widely recognized that the risk to victims is likely to increase when they are arrested for using "reactive" violence, or when there is a dual arrest⁵. These policies promote a safe response to domestic violence incidents by:

- Discouraging dual arrests in domestic violence cases,
- Helping Police to determine which party is the predominant aggressor, then
- Directing Police to take only the predominant aggressor into custody.
- Police may also be directed to document and/or in some other way follow up on investigating allegations against the secondary offender.

The Minnesota State predominant aggressor policy directs Police to "take the predominant or most dangerous aggressor into custody and document the probable cause determination on the secondary offender in the report." (McGee 2003).

Following the adoption of a predominant aggressor arresting policy by the Police department in Duluth, and after intensive training on the policy for officers, 'the number of arrests of battered women significantly decreased in subsequent months' (Asmus, pg 90).

In Duluth, Minnesota USA, a programme called Crossroads was introduced in 2000 as a specialist prosecution response to female offenders who were victims of abuse from their male partners and had used responsive or retaliatory violence. The programme was introduced with the goal of reducing re-offences and female victim's vulnerability to their abusers. The collaborative community working party, who established the programme, identified that something was needed to prevent 'the system's' approach to each act of violence as a separate offence. They identified it was important to see these acts as part of a previous pattern of violence. An important part of the programme involves asking who the primary person in need of safety is.

"Batterers who are attacked by their victims almost always hold the key to their own safety: they can stop their use of violence toward their partner and in doing so will likely prevent future violence being used against them. Victims of battering are often unable to act in ways that will stop their partner's violence. While they might use strategies to avoid a specific assault, they are rarely able to eliminate continued attack" (Asmus, pg 115).

⁵ These policies are used in at least 24 U.S states (Braaf, 2007).

Part of the determination of a predominant aggressor involves asking each party whether they are fearful of being injured by the other party. The overwhelming majority of cases seen by Preventing Violence in the Home advocates involve male perpetrators and female victims; in these cases, the victims nearly always report being fearful of their partners and fearful of future injury. In this study, the vast majority of male victims did not report being fearful of the female offender. However, in the majority of cases involving lesbian relationships, fear was reported by the female victims.

It appears that, most of the time NZ Police are identifying and arresting only the predominant aggressor in domestic violence incidents involving same-sex partners and female family relationships.

For lesbian partnerships, this is evidenced by the fact that, in five of the nine same-sex partner cases in this study, there was a record of previous offending by the offender against the victim. Only one of these cases had a previous record of the offender as a victim, and this offender had also previously been reported as an offender. Also, there was only one incident of dual arrest out of 9 cases within this category. In this instance one of the offenders was attributed a much higher risk score (10) as compared to her partner (1), which reflected the level of violence used, the five previous callouts in 2008 when she was reported to be the offender, and the fear reported by her victim.

For female family relationships, there is only one case (out of 10) of an offender who had a history as a victim, and no cases of dual arrest.

While the NZ Police appear to be identifying and only arresting the predominant aggressor within lesbian relationships, this does not appear to be the case for the NZ Police response to violence within heterosexual relationships. This is evident in a much higher rate of dual arrests for heterosexual relationship domestic violence (9 out of 35 or 26%), and by the number of female offenders in this category who were previously reported as the victim and not previously reported as the offender (17 out of 35 or 49%).

Assault with a Weapon

Six of the eight Assault with a Weapon charges identified in this audit related to offending within heterosexual (ex) partnerships. Women may use weapons as a form of self-defense. Due to size differences between men and women, men tend to use their bodies to assault and women are more likely to use a weapon⁶. This may discriminate against women in that Assault with a Weapon as a charge attracts a higher penalty—maximum five years imprisonment—to that of Male Assault Female, maximum two years imprisonment⁷.

⁶ Australian homicide data corroborate these findings about the use of a weapon, revealing that in intimate partner homicides for 2005-06, thirteen (22%) men beat their partners to death with their hands and feet, while no women killed their partners in this way. Of the fifteen women who killed their intimate partners, 80% did so with a knife or sharp instrument (Davies & Mouzos 2007, p. 25 cited in Braaf, 2007, pg 9)).

⁷ Crimes Act, 1961 see www.legislation.govt.nz/act/public/1961/0043/latest/DLM327382.html

Protection Orders

A further interesting finding of this study is the extremely low evidence of Protection Orders in place in these cases. Only four of all sixty cases feature a Protection Order. Three of these Protection Orders were in place in the lesbian partnerships and in the mothers and daughters category. Victims are most likely to report being afraid of the offender in these categories.

The complete absence of male victims as Protection Order applicants correlates with low NZ Police risk scores in this category, and with very few male victims being scared of the offender (6 out of 40). A Protection Order was in place in only one of the 40 cases involving male victims, but in this case the female offender was the applicant, not the male victim.

Reporting Rates of Lesbian Partner Violence

Rates of reporting domestic violence to NZ Police are considered to be around 18% (NZFVC, 2007). The reporting rate is thought by many to be much lower in gay relationships, due at least in part to fears of homophobic and inappropriate responses by the NZ Police, fear of being 'outed' and feelings of betraying the gay community⁸. Out of 612 arrests for all domestic violence offending from 1 April 2008 to 30 September 2008, only 9 related to violence occurring in lesbian relationships. This figure, in comparison to reports of violence to women in heterosexual relationships (517 cases of male violence to female victims in the same period), may suggest that lesbian victims of domestic violence are less likely than heterosexual women to report partner violence.

Who Rang the NZ Police?

The data collected in the study included who called the NZ Police for assistance in each incident. Victims in lesbian relationships were most likely to call the NZ Police (6 out of 9 cases, or 67%). In all of these cases, the victim also reported being fearful of the offender.

The male victims in heterosexual partnerships were less likely to be the ones who made the call to the NZ Police—18 victims rang the NZ Police out of 35 cases (49%). Interestingly, only six (17%) of these male victims reported being scared of the female offender. These figures break down as follows:

Table eleven: Male victims calling the NZ Police and reporting fear.

	# Male victims in subset	# Male victims who rang NZ Police	Male victim reported fear of the offender
Offender with a history of offending	6	3	2
Offender with history as victim	19	8	2
Offender with no previous history	10	7	2

⁸ Family and Community Services. *Community Action Toolkit to Prevent Family Violence*. New Zealand Government. September 2007.

Male victims were the least likely to report being scared within the subsets of female offenders as previous victims, and female offenders with no previous history. These statistics match with two common experiences of Preventing Violence in the Home advocates. The first experience is that of advocates who contact a male victim who has been reported as the one who rang the NZ Police; commonly, these male victims state that they are not afraid of the female offender and that they do not need or want our support. The second experience is that of advocates who have worked with a female victim over a period of time, and when a referral comes through listing this victim as the offender, the woman has told the advocate that her partner rang the NZ Police to be the "first one in." It is interesting to note that one female offender within each of the three subsets of female offenders with male partner victims, rang the NZ Police.

It is not uncommon for some male abusers to use the justice system to further abuse their partners.

"Ensuring that his victim is labeled as an offender is the abuser's most significant and powerful instrument of self-preservation and protection from community intervention" (Pence, pg 113).

A man ringing the NZ Police to report violence being perpetrated by his female partner, but stating that he is not afraid of her, should be an alert to the NZ Police to be aware of the possibility that this man may not be a victim, but may in fact be the perpetrator of ongoing abuse in the relationship.

Alcohol and Mental Health Issues

When used by domestic violence perpetrators, alcohol can increase risk of injury or lethality to the victim, although it is almost never the underlying cause of the violence.

Research has also shown that alcohol is often used by victims of domestic violence as a coping strategy. According to Mueser et al, 55% to 99% of women with substance abuse issues have been victims of domestic violence (2003). Overall, alcohol usage by female offenders was present in half the cases and the male victims were much less likely to have been drinking. Nearly half of the female offenders who were previously known as victims were reported to have been drinking; this finding is likely to be connected to their ongoing experiences as victims of abuse. The highest percentage of males under the influence of alcohol related to the men who were previously known as victims (33% of the male victims with female offenders in this study). By comparison, the male victims who were previously unknown and those who were previously known as offenders were recorded as being under the influence of alcohol in 20% of these incidents.

Mental health issues were most commonly recorded for the female offender when she was known previously as the victim. This finding matches advocates' anecdotal accounts that women often report that their male partners tell people they are crazy in an effort to make it harder for the women to seek help or have their story believed. Mental health issues were also recorded for the females with no previous records as victims or offenders, but were not recorded when the female offender was recorded as a previous offender.

Use of Threats and Threats to Suicide

Amongst the female offenders in this study, threats against the victims were only recorded in nine of the sixty cases. Threats are recorded as part of the NZ Police risk assessment, and are understood as good indicators of offender's future behaviour—so they should always be taken seriously.

Overwhelmingly, the most common threat made by the female offenders in this study was to suicide, which was recorded in five cases of the female offenders of male (ex) partner victims and in two cases of lesbian relationships.

Preventing Violence in the Home advocates have sometimes heard about threats of suicide used as a tactic by abusers to control their victim. The threat of suicide is strongly linked with a risk of homicide. Homicide reviews have highlighted that threats of suicide may be followed by homicide because of male offenders' thinking that 'if I can't have you no-one can.' In some of these cases, male perpetrators have killed their partner as well as their children and themselves.

"Offenders who are suicidal can quickly turn homicidal. The two are inextricably linked"
(Richards, 2004, pg 22).

However, suicide, or threats of suicide, is also often a *response* to abuse rather than a *form* of abuse.

"Compared with women who had not experienced physical violence by a partner, women who had experienced moderate physical violence were over 2.5 times more likely to report current symptoms of emotional distress and suicidal thoughts in their lifetime, while women who had experienced severe physical violence were almost 4 times more likely to report these effects" (Fanslow and Robinson, 2004 pg 5).

Two of the nine cases of lesbian offenders arrested in this period did threaten suicide. This figure relates to one offender; she was known previously as a moderate risk offender, and so it is likely that her threats were part of her tactics to maintain power and control over her partner.

In the subset of female offenders who were known previously as victims of abuse, the use of threats of suicide occurred in two out of the twenty cases.

Conclusion

This study shows that for the six month period studied, female offending was approximately 10% of all domestic violence offending in Auckland City, and it did not rise during this period.

Out of 60 cases involving female offenders, 20 involved offending against female victims and 40 involved offending against male victims.

Forty three percent (26) of all female offenders in the study were previously known as victims of domestic violence. Further, one third of all offenders (20) in this study have previously *only* been recorded by NZ Police as the victim, and not previously recorded as an offender. This indicates that the probable percentage of female offenders who can be identified as “batterers” represents far less than 10% of domestic violence offenders.

This study demonstrates that in a significant number of cases, female offenders have previously been victims of abuse from male partners. This is because women’s use of violence within an abusive intimate heterosexual partnership is often responsive, retaliatory or a form of self-defense. In other words, the woman's motive is to control the violence perpetrated against her, rather than to control her partner. This finding reflects international research which argues there are very real differences in the nature, motivation, impact and context of female offending from that of male offending⁹. Male offending mostly occurs within a well established pattern of power and control maintained through acts of physical, sexual and psychological abuse resulting in fear in their female partners. However, men seldom report feeling fearful of their female partners following an assault by her.

This is not to say that responsive violence is always acceptable, nor that the criminal justice system should ignore this type of violence. However, it is critical that there is a different response to this type of violence than cases of “battering”, or violence which is perpetrated in order to control another person. By responding in the same way to both types of violence, the criminal justice system will often increase the risk to victims of domestic violence. Arresting the party who is the usual victim of battering in a relationship (which sometimes takes the form of a dual arrest) places the genuine victim at much greater risk of continued abuse from her/his partner. In addition, the arrest isolates her/him from helping agencies and applies punitive measures that discourage her/him from ringing NZ Police in the future.

The implementation of a predominant aggressor arrest policy in New Zealand would greatly assist NZ Police in making decisions which are most likely to achieve safety for victims and accountability for offenders of domestic violence, and would greatly reduce the rate of dual arrests.

Furthermore, we recommend the development of a specialist prosecution response within the Auckland Family Violence Court for women (and men) arrested who are known to primarily be the victim of abuse within their relationship. This would provide an intervention that helps to ensure that these victims are not further endangered as a result of the criminal justice response.

⁹ The New Zealand Family Violence Clearinghouse has created a fact sheet relating to gender and family violence and important differences in offending are reported in it (attached as Appendix C).

Possibilities for future research

We believe that it would be useful to conduct several follow-up studies that relate to this current study in order to provide a fuller picture of the dynamics of domestic violence and particularly of female offending.

Court proceedings involving female offenders

Inner-City Women's Group, an Auckland women's anger management programme provider, state that women report that they are shocked and surprised at their violence and often assert that it is a one-off incident. They feel disbelief that they are being treated as the perpetrator when they have experienced ongoing abuse as the victim. They desperately want support and help and are often keen to learn more about anger and how to have positive relationships with partners and family members. Many of these women are proactive about change and rarely deny their use of violence.

It would therefore be interesting to follow up this study with an analysis of court data concerning female offenders to ascertain the pleas that they enter to the charges, at what point they enter their plea, and if their plea is changed throughout the court proceedings. This study could provide a useful platform for a comparative study of male offenders of domestic violence and the ways in which the two groups understand and accept their use of violence.

Interviews of female offenders

It would be beneficial to undertake a qualitative research project involving interviewing of female offenders. This would provide much more information about the characteristics of their violence and the contextual background. Such a project would help to determine the need for advocacy for female offenders. When describing the development of the Duluth prosecution Crossroads programme, Asmus explains that the female offenders needed:

"More than support; they needed much more than form letters and referrals to other agencies. They needed advocacy...The issue of what to do when battered women use illegal violence provides a perfect illustration of the need for more advocacy, not less" (ibid, pg 94).

Of particular interest would be female offenders' reports regarding their experience of psychological abuse by their male partner in the past. Psychological abuse is not an arrestable offense unless a Protection Order is in place as a result of the abuse. Therefore the Preventing Violence in the Home database is less likely to contain information about psychological abuse used against victims, and more likely to contain information about physical assaults. Psychological abuse has a serious and detrimental effect on victims and is almost always a feature of domestic violence. However, it often goes under the radar because it has no outward visible signs.

"Even women who have not experienced prior abuse, and enter a relationship with their confidence intact, will experience severe physical and psychological effects if they remain in the relationship with a partner who is psychologically abusive" (McKinnon, 2008, pg. 9).

A comparison of male and female offenders

It would be useful to undertake a sample study of male offenders within the same time period as this female offender study. A sample study could look at similar aspects of offending and then a comparative analysis could be undertaken to isolate the differences between male and female offending within the domestic violence context, particularly with regard to risk posed, fear perceived by victims and injury/violence used and patterns of past abuse.

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Appendix A

Male Victims of Male Violence

While collecting data for this study, basic quantitative data on male victims was also collected for the study period from 1 April to 30 September 2008. During this period, there were 75 cases involving male victims:

- 40 involved female offenders (as detailed in *Section III. Female offenders of male victims*)
- 35 involved male offenders

Male victims had the following relationships with the male offenders.

Flat mates	Child/parent/family	Partners/ex	other	Total
2	25	6	2	35

Interestingly, arrests for male-to-male violence were more likely to occur within the child/parent/family context (25 out of 35, or 71%) than for arrests for female-to-female violence (10 out of 20, or 50%). On the other hand, arrests for same sex partner violence were more likely to occur in lesbian relationships (9 out of 20, or 45%) than in gay male relationships (6 out of 35, or 17%). These differences are likely to be explained by even lower reporting rates of domestic violence within gay male communities than lesbian communities. However, further study would certainly be required to gain an understanding of reporting rates for domestic violence within lesbian and gay communities in New Zealand.

Appendix B

NZ Police Family Violence Report Template

A1		FAMILY VIOLENCE REPORT										Item No 01	
Complete each section by following instructions and by circling or ticking the correct box. Use a Supplementary or Related Offence Report as required.													
OFFENCE		Offence Code		Day of the week		M T W T F S S		Day		Month		Year	
REPORTED BY: Victim Family Member Neighbour Other		On / From		/ /									
OFFENCE LOCATION		Address in Full (Not PD Box or R.D. No)		To		/ /							
Town/Suburb/Rural Area:		Reported		/ /									
Scene Type		Scene Station		Police Attended		/ /							
Weapon Code													
Victim/Complainant		Mr/Ms/Mrs/Miss		Address in Full		Home Phone		Business		Mobile		Email	
DOB		Role		Gender		Ethnicity		Iwi/Hapu					
PRN		NIA ID		Demeanour:		<input type="checkbox"/> Co-operative <input type="checkbox"/> Unco-operative <input type="checkbox"/> Not Present							
RELATIONSHIP BETWEEN VICTIM AND ALLEGED OFFENDER		<input type="checkbox"/> Married/Partner <input type="checkbox"/> Child/Parent <input type="checkbox"/> Separated/Divorced <input type="checkbox"/> Previous Relationship		<input type="checkbox"/> Other Family Member <input type="checkbox"/> Other									
Alleged Offender/ Other Party		Mr/Ms/Mrs/Miss		Address in Full		Home Phone		Business		Mobile		Email	
DOB		Role		Gender		Ethnicity		Iwi/Hapu					
PRN		NIA ID		Demeanour:		<input type="checkbox"/> Co-operative <input type="checkbox"/> Unco-operative <input type="checkbox"/> Not Present							
Witness/Subject or Third Party		Mr/Ms/Mrs/Miss		Address in Full		Home Phone		Business		Mobile		Email	
DOB		Role		Gender		Ethnicity		Iwi/Hapu					
PRN		NIA ID		Demeanour:		<input type="checkbox"/> Co-operative <input type="checkbox"/> Unco-operative <input type="checkbox"/> Not Present							
PROTECTION ORDERS		Existing <input type="checkbox"/> No <input type="checkbox"/> Yes		Breached <input type="checkbox"/> No <input type="checkbox"/> Yes									
CAUSE OF INCIDENT AS STATED BY PRINCIPAL PARTIES		<input type="checkbox"/> Access/Custody Dispute <input type="checkbox"/> Court Order <input type="checkbox"/> Physical Violence <input type="checkbox"/> Threats/Verbal Abuse <input type="checkbox"/> Other											
FACTORS PRESENT (Tick at least ONE for Each Section)		Alcohol <input type="checkbox"/> No <input type="checkbox"/> Yes		Drugs <input type="checkbox"/> No <input type="checkbox"/> Yes		Mental Health <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Suspected							
Victim		<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Suspected							
Offender		<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes		<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Suspected							
Violence to Person		<input type="checkbox"/> None <input type="checkbox"/> Threatened <input type="checkbox"/> Used											
Violence to Property		<input type="checkbox"/> None <input type="checkbox"/> Threatened <input type="checkbox"/> Used											
PHYSICAL INJURY TO VICTIM (Tick ONLY ONE - most serious)		<input type="checkbox"/> Not Applicable <input type="checkbox"/> Minor Bruising <input type="checkbox"/> Cuts <input type="checkbox"/> Hospital <input type="checkbox"/> None <input type="checkbox"/> Serious Bruising <input type="checkbox"/> Medical Assistance <input type="checkbox"/> Death											
INITIAL SUPPORT PROVIDED TO VICTIM		<input type="checkbox"/> Women's Refuge <input type="checkbox"/> Victim Support <input type="checkbox"/> Other Agency <input type="checkbox"/> Family/Friends <input type="checkbox"/> Other <input type="checkbox"/> None											
RISK/LETHALITY ASSESSMENT SCORE		STRANGULATION REFER TO NOTES AT REAR OF BOOKLET		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Suspected <input type="checkbox"/> Not known									
To Det /Sen /Sgt/ Const		Where Stationed		Signature		Date		Age					
Reporting Member Int/Reg				(Reporting Member)				POB					
Forwarding Minute		Code of Station/Branch		Signature		Date		Mode of Apprehension					
Forward to:								How Cleared					
CARD EVENT No.				DOCLOC CASE No.				Gang Affiliation					

WHEN FAXING TO CYF, PLEASE FAX THIS PAGE

Section A1

B1

RISK ASSESSMENT TOOL 1

RISK ASSESSMENT QUESTIONS FOR ADULT VICTIMS

1. How frequently and seriously does he/she intimidate, threaten or injure you or other family members?

2. Describe the most frightening/worst incident of violence involving him/her:

3. How has his/her past behaviour impacted on you and your children's feelings of personal safety?

**IMPORTANT: DISCUSS ANY SAFETY ISSUES AND YOUR RISK ASSESSMENT
WITH THE VICTIM AT THE TIME**

WHEN FAXING TO CYF, PLEASE FAX THIS PAGE

Section B1

IDENTIFYING RED FLAGS - RISK FACTORS

Investigators should consider the following **RED FLAGS** to alert them that this situation may be **HIGH RISK** and that someone may be at risk of dying or suffering serious harm. Indicate all those **RED FLAGS** (Risk Factors) that are present:

<input type="checkbox"/> No <input type="checkbox"/> Yes	The offender is obsessed with, dependent upon, or is stalking the victim.
<input type="checkbox"/> No <input type="checkbox"/> Yes	Recent separation , issue of a Court Order , or divorce AND is responding in a dangerous manner .
<input type="checkbox"/> No <input type="checkbox"/> Yes	The victim believes the offender could injure or kill her / him.
<input type="checkbox"/> No <input type="checkbox"/> Yes	The offender has strangled or attempted to strangle the victim.
<input type="checkbox"/> No <input type="checkbox"/> Yes	There is a history of Family Violence and it is getting more severe and / or is increasing in frequency .
<input type="checkbox"/> No <input type="checkbox"/> Yes	The offender has threatened / attempted to commit suicide , or to kill the victim, children or other family members .
<input type="checkbox"/> No <input type="checkbox"/> Yes	The offender has access to weapons , particularly firearms and has used, or threatened to use them. They may have convictions involving weapons (e.g. knives / firearms).
<input type="checkbox"/> No <input type="checkbox"/> Yes	The offender has easy access to the victim, children or other family members.
<input type="checkbox"/> No <input type="checkbox"/> Yes	Children are in the home when the violence occurred or have been hurt or threatened in family violence situations.
<input type="checkbox"/> No <input type="checkbox"/> Yes	Incidents of animal abuse by the offender.
<input type="checkbox"/> No <input type="checkbox"/> Yes	The offender has a history of alcohol or drug problems .
<input type="checkbox"/> No <input type="checkbox"/> Yes	The offender has a history of violent behaviour against non-family members.

Describe any other factors that you consider could contribute to risk for any parties involved:

IMPORTANT: DISCUSS ANY SAFETY ISSUES AND YOUR RISK ASSESSMENT WITH THE VICTIM AT THE TIME

WHEN FAXING TO CYF, PLEASE FAX THIS PAGE

Section **B2**

RISK & LETHALITY ASSESSMENT WORKSHEET

This Risk Assessment is for the relationship between:

Names of Parties:

Date:

A

CIRCLE IF TRUE

- | | | |
|---|---|----------------|
| 1 This is the first or only serious act of Family Violence.
(Ask about non-reported cases) | 1 | |
| 2 Offender has no other criminal history. | 1 | |
| 3 Offender has stable employment. | 1 | |
| 4 Offender does not have drug or alcohol problem. | 1 | |
| 5 Offender's relationship with the victim appears stable. | 1 | |
| 6 Offender takes responsibility for their abusiveness. | 1 | |
| 7 Offender is co-operative with Police; Courts; Probation. | 1 | |
| 8 Offender has never threatened victim. | 1 | |
| 9 Offender has never breached a Protection Order. | 1 | |
| 10 Offender has no history of suicide attempts. | 1 | |
| 11 Offender has no history of serious depression. | 1 | |
| 12 Offender has no diagnosis of mental illness. | 1 | |
| 13 Offender is in reasonably good health. | 1 | |
| 14 Offender has no weapons in their possession or proximity. | 1 | |
| 15 Offender is not on psychotropic* medication.
(May have an altering effect on perception, emotion, or behaviour) | 1 | TOTAL A |

B

- | | | |
|--|---|----------------|
| 16 Victim is afraid of the offender. | 2 | |
| 17 Offender has threatened the victim or children in the past. | 2 | |
| 18 Offender is very jealous or possessive about the victim. | 2 | |
| 19 Offender has committed other crimes of violence. | 2 | |
| 20 Offender has significant drug or alcohol problems. | 2 | |
| 21 Victim has seriously hurt or strangled the victim. | 2 | |
| 22 Offender possesses or is in proximity to weapons. | 2 | |
| 23 Offender appears very bitter toward the victim. | 2 | TOTAL B |

C

- | | | |
|---|---|----------------|
| 24 Offender has threatened to kill/ injure the victim, children or
themselves. | 3 | |
| 25 Offender has stalked the victim or others in the past. | 3 | |
| 26 Offender has breached a Protection Order in the past. | 3 | |
| 27 Offender has homicide / manslaughter arrests on record. | 3 | |
| 28 Offender has sexual violence / rape arrests on record. | 3 | |
| 29 Offender has a mental disorder / illness. | 3 | |
| 30 Victim is terrified of the offender. | 3 | |
| 31 Victim has recently separated / relationship breakdown. | 3 | TOTAL C |

INTERPRETATION:

- | | |
|--------------|---|
| -15 to +1 | NO apparent risk |
| +2 to +10 | LOW risk |
| +11 to +16 | MODERATE risk - Review file |
| +17 to +23 | HIGH risk - Investigate further, early follow-up |
| +24 and Over | EXTREME risk - Urgent follow-up |

TOTAL B + C =**DEDUCT TOTAL A:****REMEMBER** If you have any doubt, treat as **HIGH RISK**.**RISK
SCORE =****DISCUSS SAFETY ISSUES AND RISK ASSESSMENT WITH THE VICTIM AT THE TIME****THE RISK SCORE APPLIES TO ALL PARTIES INCLUDING CHILDREN FOR NIA ENTRY**

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Section **B3**

Protection of the victim is paramount.

Timely support is vital to breaking the inter-generational cycle of violence. It can engender a more positive attitude to giving evidence in court, and can help victims towards a safer future.

Complete the Record of Victim Contact

(POL 1060) and encourage the victim to confirm that they are aware of the process through which support can be arranged and provided.

ARRANGE SUPPORT FOR THE VICTIM BEFORE YOU LEAVE THE SCENE!

Police work with groups that provide specialist support services to victims of family violence. These groups may include Women's Refuge or Victim Support.

INVESTIGATORS SAY: "Police will pass your name, contact details, and other relevant information about this situation to [name a local support group/agency]. A counsellor or representative from [the support group/agency] will then contact you to offer support, counselling, and a range of other referral services that you may consider".

I HAVE BEEN TOLD THAT POLICE WILL ARRANGE SUPPORT

I understand Police will forward my name, contact details, information about this situation and information about my safety to the local group, service or agency that provides support for victims of family violence.

Signed:

Date:

Additional Comments:

SUPPORT TO VICTIMS ON SAFETY AND RISK**CRIME PREVENTION OPPORTUNITIES**

Discuss the following as an interim measure to help maximise safety and reduce risk to the victim and family. Always recommend that the client contacts appropriate services such as Women's Refuge for safety planning, advice and support.

WITH THE CLIENT (Actions and Advice for the Police Officer to Provide)

- ☐ Explain and discuss the Risk Assessment - do they believe that they and their family are safe?
- ☐ Explain why you believe that they may be at risk.
- ☐ Do they believe that children are safe in the current environment?
- ☐ Provide relevant contact numbers for professional services and other relevant support agencies for advice on Safety Planning and general support such as advice about Protection Orders.
- ☐ Consider making the call to the service or agency for them while you are still at the scene. Encourage them to make contact - advise them of the importance of this if you are concerned for them and / or their children's safety.
- ☐ Consider informing the victim's friends, family and neighbours regarding the situation and ask them to advise Police of any threats or related events - but only if this does not put the victim at further risk. This should only be done after discussion with the victim and their approval has been obtained.
- ☐ Provide any information about other support services which may assist or be relevant. Consider providing brochures or other information.

POLICE RESPONSES TO SAFETY AND RISK

Do other patrols need to be made aware of the situation? Is there any person / vehicle to be located?
 Ensure any POI or VOI is entered immediately.
 Does an LOI need to be entered by Police Communications?
 Do Intel need to know for all staff to be informed? Perhaps a Special Notice generated?
 If any significant risk identified, ensure the Police Family Violence Co-ordinator is informed EARLY for Case Management purposes or other follow up.

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Section D1

Appendix C

New Zealand Family Violence Clearinghouse Family Violence and Gender Factsheet



One of the most hotly contested debates in the family violence research field today is the question: Is there gender symmetry in domestic violence or not? Many studies have consistently found that men are the perpetrators of abuse in the overwhelming majority of cases, and women and children are the victims.¹ Some other studies in New Zealand and internationally have shown that in the case of heterosexual couples, women are just as violent as men.^{2 3} So what explains these seemingly contradictory research findings? Are women equally as violent as men?

Gender symmetry in partner abuse

The majority of those favoring the 'gender symmetry' position base their research upon some version of the Conflict Tactics Scale (CTS) originally developed by Murray Straus in the 1970s and since revised by Straus and others.⁴ The CTS consists of a range of questionnaire items designed to measure different acts people use in situations of conflict within intimate relationships including reasoning, verbal aggression and physical violence. The items are ordered in terms of apparent severity⁵, the first section of the questionnaire asking about non-physically violent acts and the remainder referring to physically violent acts. The final few items make up the severe violence index and include actions such as kicking, punching or use of a weapon. Respondents are asked about how many times in the past year they and their partner have used each of the items during arguments. Using a version of the CTS, some researchers claim that women are as violent as men. In the Christchurch Health and Development Study, researchers found that at least 90% of those respondents who reported partner violence said that they both perpetrated violence and were victims of violence.⁶ In the Dunedin Multidisciplinary Health and Development Study, 27% of women and 34% of men said they had experienced one act of physical violence from their partner in the last year.⁷ These researchers argue that partner violence is most often mutual conflict between partners.

Problems of measuring violence

The ability of the CTS scale to provide a full understanding of domestic violence has however, been questioned. The CTS provides only simple counts of violent and/or aggressive acts, over a limited period of time, and is therefore incapable of revealing ongoing systematic violence within relationships.⁸ The CTS does not gather information concerning the meaning(s) attached to the violence by either the perpetrator or victim, who initiated the violence, or what their motivation was. It also assumes that violence only happens during arguments or conflict, and so fails to capture violence that occurs at other times, especially 'control-motivated' instrumental violence and coercion by perpetrators attempting to maintain power over their victim.⁹ Reports from victims say that violence is not necessarily preceded by conflict: The violence can be unpredictable (occurring with no warning, such as when victims are sleeping), or it can be planned (not occurring with an outburst of anger).

The quantitative research methodology used in CTS research does not capture the context, meaning, motivation, and consequences of violence: Qualitative research methods are needed to fully understand the differences between men and women's violence beyond a simple count of violent acts. Furthermore, this kind of survey research is likely to underestimate men's violence towards women due to victims of severe violence refusing to participate; the exclusion of sexual violence, stalking, and violence by ex-partners;¹⁰ and due to gendered reporting bias where both men and women underestimate men's use of violence and overestimate violence by women.^{11 12 13 14}

Most critiques of the CTS then centre on its lack of attention to the context, meaning, motivation, and consequences of the violence. As a result, the measure cannot distinguish between minor and more significant forms of violence. Minor violence covers those situations in which someone may slap or hit or throw something at their partner when angry (such as pushing someone away or slapping their hand) but such actions are episodic, do not result in significant injury, do not lead the "victim" to fear their partner, and the "perpetrator" does not gain the "victim's" compliance.

More significant is that violence, including threats of violence, which results in significant injuries, the victim fearing the perpetrator, and the perpetrator gaining control over the victim. Such physical violence is typically accompanied by a range of controlling tactics including emotional, psychological, sexual and economic abuse. This kind of violence is sometimes referred to as 'battering', or 'power and control' and is overwhelmingly committed by men.^{15 16}

Differences in violence by men and women

Research has repeatedly demonstrated that once attention to the issues of context, meaning, motivation, and



consequences of violence are included it becomes clear that there is not a gender symmetry in partner violence – it is men's violence against women and children that is the most significant social problem. For instance:

- In 2005/6 New Zealand apprehended 25,356 male family violence offenders compared to 4,135 female offenders.¹⁷
- In 2005 92% of those applying for Protection Orders were female.¹⁸
- Researchers have found that some men who have experienced abuse by their female partner find the violence humorous, suggesting that they are not afraid of the abuser,¹⁹ whereas women routinely report experiencing distress or intense fear (for themselves and their children) as a result of abuse.^{20 21}
- The psychological effects of family violence upon women and children have been found to be far more severe.²² Twice as many women as men report being significantly affected by partner violence.²³ However, in one New Zealand study both men and women reported depression and alcohol problems linked with experiencing partner abuse. It is not known to what extent the problems identified by the participants preceded the violence.²⁴
- Research suggests that most women's violence towards men is self-defensive or retaliatory,^{25, 26, 27 28} whereas much of men's violence towards women is used instrumentally to dominate and control their partner.²⁹
- Data on the incidence of violence from New Zealand National Survey of Crime Victims 2001 suggests that women face more risk of partner violence, whereas the risk of violence for men is from other men.³⁰
- In the same survey, women were more likely than men to be repeat victims of violence by current heterosexual partners.³¹
- The 2001 National Survey of Crime Victims found 14.4% of men and 21.2% of women had been hit, kicked or pushed by their heterosexual partner at least once in their life-time. However, when asked about being fearful, 8% of men, compared to 19.5% of women said they had been frightened by their partner's threats.³²
- Four and a half times more women than men reported violence in a heterosexual dating relationship and three times more women than men report violence by an ex-partner of the opposite sex.³³
- In the 2001 National Survey of Crime Victims, the gender differences were most marked for Maori – 19.6% of Maori men compared to 41.9% of Maori women reported being hit, kicked or pushed by their heterosexual partner at least once in their life-time, and 14% of Maori men compared to 39.1% of Maori women reported being frightened by threats.³⁴
- Initial data from the 2006 New Zealand Crime & Safety Survey shows a similar prevalence rate of partner violence for men and women (6% and 7%). Women however, experienced significantly more incidents of violence by partners than men, reported more 'serious' offences by partners, and sustained more injuries.³⁵
- In one of the largest studies ever to compare women and men's experience of partner violence, US researchers found that 25% of women and 8% of men reported rape or physical assault by a partner at least once in their lifetime. Violence by men was found to be the most common form – 93% of all kinds of violence experienced by adult women and 86% of all violence experienced by adult men was perpetrated by men.³⁶
- US research found that women were seven to ten times more likely to be seriously injured by partner violence than men.³⁷
- Partner violence experienced by women has been found to be closely associated with a range of negative physical and mental health effects including bruises and abrasions, fractures, internal injuries, severe menstrual problems, urinary tract infections, sexually transmitted infections (STI), non-specific pelvic pain, pelvic inflammatory disease,³⁸ along with depression and suicide attempts.³⁹
- Research conducted in Auckland and Waikato found that female victims of intimate partner violence were twice as likely as non-victims to have visited a healthcare provider during the previous month.⁴⁰
- Recent multi-country research carried out by the World Health Organization found that women internationally carried the burden of violence, suffering overwhelmingly more deaths, injuries and other negative health effects as a result of abuse by male partners.⁴¹

This evidence does not dispute the fact that some women are violent and some men are harmed by violence. Any gender symmetry in violence however, is unlikely to take fear or control issues into account, and can be said to be mostly at the lower-end of the scale of physical violence.⁴² One of the authors of the original CTS research has stated that 'it is categorically false to imply that there are the same numbers of 'battered' men as battered women'.⁴³



So what then do we know of violence committed by women?

- Men's rates of general violence consistently exceed those of women by a large margin. International research suggests this holds true across countries, across time and in relation to different forms of violence. Despite the differential rates of reporting and recording violence in different countries and sectors of society, most reported violence is perpetrated by men. The only exceptions to this are closer parity (though not equality) between African American men and women, and child abuse in the home.⁴⁴
- Waikato research indicates that women kill their intimate partners out of fear of death or injury, whereas men kill their partners to control or punish.⁴⁵ This finding is backed up by international data prompting leading researchers to make the following statement:
Men often kill wives after lengthy periods of prolonged physical violence accompanied by other forms of abuse and coercion; the roles in such cases are seldom if ever reversed. Men perpetrate familicidal massacres, killing spouse and children together; women do not. Men commonly hunt down and kill wives who have left them; women hardly ever behave similarly. Men kill wives as part of planned murder-suicides; analogous acts by women are almost unheard of. Men kill in response to revelations of wifely infidelity; women almost never respond similarly although their mates are often adulterous. The evidence is overwhelming that a large proportion of the spouse killings perpetrated by wives, but almost none of those perpetrated by husbands, are acts of self-defence.⁴⁶
- The authors of an international literature review concluded that women committed far less violent crime than men, that violent offending constituted only a small percentage of women's offending, and that the types of offences committed by women tended to be less serious than those committed by men.⁴⁷
- A New Zealand review of all child homicides between 1991 and 2000 found that in cases where a child was killed by their parent - 54% of perpetrators were fathers, 40% were mothers, and 6% of cases involved both parents. When children were killed by other people, men were the perpetrators in 78% of cases, women in 20%. The researcher commented that these figures were similar to international findings.⁴⁸
- Another study of New Zealand child homicides looked at a non random sample of cases between 1980 and 2003 and found that equal numbers of women and men killed children. The majority of children killed by women were under 2 years old. Unlike men, women did not kill several children together, nor did they kill adults at the same time as children.⁴⁹
- Women remain overwhelmingly responsible for child care, offering a potential answer to why they figure prominently in child abuse statistics. However, one international researcher's findings led her to note that 'given that men spend on the whole so much less time with children than women, what is remarkable is not that women are violent towards children but that men are responsible for nearly half of the child abuse'.⁵⁰
- International research suggests that both rates and types of intimate partner violence between same sex partners – gay and lesbian – are similar to that found in heterosexual relationships.⁵¹

Clearly, the relationship between gender and violence is complex. Developing a full understanding of family violence also requires taking into account other aspects of people's lives, such as sexuality, culture, class, ethnicity, age, ability, and so on.⁵² Additionally, the specific social and interpersonal contexts of an individual's life will have an inevitable influence upon both the use and consequence of violence. While gender does not explain everything about violence, attempts to understand and respond to family violence are likely to be incomplete without including a gender analysis.

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