

Family Violence Death Review Committee

*Fourth annual report: January 2013 to December 2013
Embargoed to 6am, Thursday 26 June 2014*

Media summary

Key facts on family violence

The Family Violence Death Review Committee's (the Committee) fourth annual report sets out information, findings and recommendations from data collected on all family violence homicides that took place from 2009 to 2012 and 17 in-depth regional reviews (conducted between 2012 and 2013) of selected death events.

All deaths

- **47 percent** of all homicides¹ were family violence and family violence related deaths.
- **139** people died from family violence and family violence related homicides² – an average of 35 per year.
- **126** deceased were within the Committee's terms of reference:
 - **63** intimate partner violence deaths
 - **37** child abuse and neglect deaths
 - **26** intrafamilial violence deaths (all abuse between family members other than intimate partners or parents on their children).
- **40 percent** of all the deceased lived in the **most deprived 20 percent** of residential areas.

Children exposed to intimate partner violence and child abuse and neglect deaths

- **77** children^{3 4} were present when an adult or child/ren was killed.
- **111** children and young people usually lived in the household where the death occurred and are likely to have been exposed to at least some, and often many, of the repeated episodes of family violence that preceded the fatal event.
- **240** surviving children^{5 6} have been affected by exposure to fatal family violence.

63 intimate partner violence deaths

- **50 percent** took place in the context of a planned or actual separation.
- **44 percent** were cases of 'overkill' (violence far beyond the level needed to cause death).
- Māori were **2.8 times** more often deceased and **2.5 times** more often offenders of intimate partner violence deaths than non-Māori, non-Pacific peoples.
- **38 percent** of intimate partner violence deaths occurred in the **most deprived 20 percent** of residential areas.

¹ This includes homicides and related offences.

² In addition, there were 18 family violence and family violence related suicides in these four years.

³ Child abuse and neglect deaths – 36 children and 1 young person.

⁴ Intimate partner violence deaths – 36 children, 3 young people and 1 adult child.

⁵ Child abuse and neglect deaths – sibling(s), half sibling(s) or children of the offender.

⁶ Intimate partner violence deaths – children, young people and adult children of the deceased and the offender.

History of abuse

Of the 55 intimate partner violence⁷ deaths with an apparent history of abuse in the relationship:

- **93 percent** of women had been abused in the relationship⁸
- **96 percent** of men had been the abusers in the relationship⁹
- **All six** of the Māori women who were offenders in the death event had been the primary victim in the relationship with the deceased.

37 child abuse and neglect deaths

- **78 percent** were under five years of age.
- **51 percent** of children died by fatal inflicted injury.
- **Men** were more likely to kill children by fatal inflicted injury.
- **Women** were more likely to kill children by neonaticide, filicide/parental suicide or fatal neglectful supervision.
- **46 percent** of children killed were known to Child, Youth and Family.
- Māori and Pacific children were **5.5 times** and **4.8 times** (respectively) more likely to die from child abuse and neglect than children of other ethnicities.
- Māori and Pacific adults were **4.9 times** and **5.3 times** (respectively) more likely to be the offenders of a child abuse and neglect death than adults of other ethnicities.

26 intrafamilial violence deaths

- **Māori died at 5 times** the rate of non-Māori non-Pacific ethnicities from IFV, and were **offenders 13 times** more often than non-Māori non-Pacific ethnicities.
- **Almost 40 percent** of IFV deaths occurred in the most deprived residential areas (decile 10).

Report summary

In the four years from 2009 to 2012:

- 63 adults were killed by partners or ex partners
- 37 children died from child abuse and neglect
- 26 adults were killed by family members who were not their partners.

The fourth annual report from the Committee calls for a radical change in the way New Zealand responds to its most dangerous and chronic cases of family violence.

The Committee urges support services and society in general to take more responsibility for preventing abusers from using violence, rather than expecting the victims of family violence to keep themselves and their children safe.

It calls for recognition that family violence is not only about physical assaults, but also about possessive and controlling partners.

⁷ Excludes six uncertain deaths and two aberrational deaths.

⁸ Fifty-one women had a history of being abused in the relationship – 41 were killed by their abuser and 10 killed their abuser. See Table 4 in the main report.

⁹ Fifty-three men had a history of being the abuser in the relationship – 43 killed the victim of their abuse and 10 were killed by the victim of their abuse. See Table 4 in the main report.

Support services should have a 'healthy scepticism'¹⁰ towards violent offenders who claim to have changed, and should recognise that separation is one of the riskiest times for victims of family violence.

There should also be greater recognition of lethality risk factors such as specific threats to kill, non-fatal strangulation and partners who are extremely jealous and controlling, the Committee says.

In its recommendations, the Committee calls for a stronger collective response to family violence from the police, from the justice system, from support services and from the general public.

It recommends legal changes to protect the victims of family violence, including those who retaliate against their abusers after years of violence.

The Committee also urges more support for people who have lost a family member, particularly the children left behind after the killing of a parent, caregiver or sibling.

Understanding family violence

Family violence is likely to be a cumulative pattern of harm, rather than a one-off incident. It is not just about physical assaults, but about possessive and controlling partners.

Abusive partners may use 'coercive control' – coercion tactics, such as violence and intimidation, and control tactics, such as isolating partners from family/whānau and friends.

Control tactics in cases reviewed by the Committee included abusers:

- smashing phones so partners were unable to call for help
- keeping at least one child with them when their partner left the house, to prevent their partner from leaving them or seeking help
- threatening to kill their partner or child if their partner left them
- killing family pets.

Abusers often abused one family member, such as a child, to exert extra control over other family members, such as the child's mother and siblings.

In intimate partner violence deaths, three-quarters of offenders were men and almost three-quarters of those killed were women.

Of the 63 intimate partner violence deaths, 31 took place during a planned or actual separation. It is very difficult for a victim of intimate partner violence to leave the abusive relationship.

¹⁰ In his 2003 inquiry report into the death of Victoria Climbié, Lord Laming came up with the phrases 'healthy scepticism' and 'respectful uncertainty'. In the Victoria Climbié case the inexperienced and poorly supervised social worker had failed to keep an open mind as to alternative explanations or to test out all the concerns raised and the explanations given. Due to this, Lord Laming proposed that the concepts of 'healthy scepticism' and 'respectful uncertainty' should form the basis of relationships between the social worker and families in such cases. House of Commons Health Committee, *The Victoria Climbié Inquiry Report. Sixth Report of Session 2002–03*. HC 570, London, TSO, 2003, pp.159, 205, 322.

Many victims had gone to great lengths to protect themselves and their children, including telling family, friends and professionals, moving into refuges, taking out protection orders and contacting police.

Support services have not always recognised risk factors that suggested someone was at risk of being killed by a family member. Some victims sought help from many organisations shortly before their death, and had made it clear their lives had been threatened.

Similarly, family and friends were often ill-informed and did not know what to do when victims said they were terrified of being killed.

Many Māori women experiencing abuse are dealing with serious levels of victimisation and social entrapment, extreme economic deprivation and high levels of historical and intergenerational trauma. This can leave some victims with very limited options for escaping the abuse.

In 28 (44 percent) of the 63 cases of people being killed by their partners, the method of killing was a phenomenon known as 'overkill' – using violence far beyond what would have been necessary to cause death, with multiple stabbings, severe prolonged beatings and/or multiple violent methods (for example, strangulation, sexual violence and stabbing). In one case, four forms of violence were used in a single death.

People working in family violence areas have often been overly confident that abusers would stop using violence, especially if an abuser seemed ashamed or remorseful, and may have assumed there was no more danger when the abusive relationship had ended. In fact, separation is a particularly dangerous time for victims, and the abuser continues to remain highly dangerous to the ex-partner, future partners and children.

The lack of education and training about family violence can lead to professionals failing to understand the complicated lives of victims, interfering with victims' strategies to escape the violence, and being over-confident in victims' ability to assess situations.

The Committee acknowledges the importance of behaviour change programmes for abusers but suggests social workers and other practitioners should have a healthy scepticism when working with abusers. Abusers rarely admit what they have done and many are skilled manipulators.

There is little information about forced marriage and honour-based violence in New Zealand, but our increasingly diverse cultural mix makes it important to gain a greater awareness of these forms of family violence. Another form of violence which needs further attention is family violence which occurs in a gang context. Abuse of women and children living in gangs is often more frequent, brutal and extreme.

Child abuse and neglect

Of the 37 children killed by abuse and neglect, 19 died by assault.

The people responsible for the assaults were:

- a step-father in nine cases
- a father in four cases
- a mother in one case
- another female carer in three cases (a grandmother, aunt and informal caregiver).

In two remaining cases of children who died by assault, the offender was not identified.

Eleven children were killed by eight parents who committed or were thought to have attempted suicide, four newborn babies were killed by their biological mothers, and three children were thought to have died from neglectful parental supervision.

Mental health issues were more likely to be a factor when women killed children, while relationship and custody issues were more likely to be an issue in killings by men.

Māori children were 5.5 times more likely and Pacific children 4.8 times more likely, to die from child abuse and neglect than children of other ethnicities. Similarly, Māori adults were 4.9 times more likely and Pacific adults 5.3 times more likely, to be responsible for child abuse and neglect deaths than adults of other ethnicities.

Intimate partner violence and child abuse and neglect are entangled forms of abuse. Many children are living with what some researchers have described as the 'double whammy' of being abused and experiencing other family members being abused.

The Committee's reviews have found multiple examples of women being threatened and assaulted by an abusive partner while holding a young child, and of pregnant women being strangled and assaulted.

In four regional reviews of child abuse and neglect deaths, all the abusive step-fathers had police histories of abusing former partners, and in some case of abusing children.

Without intervention, it should be assumed that people who have a history of abusive behaviour will carry their abusive behaviour into relationships with new partners, children and step-children, and that their violence may escalate.

For staff working in New Zealand Police, Child, Youth and Family, and the Department of Corrections, family violence is such a regular occurrence that it can be normalised and minimised. The challenge for senior managers is to ensure the unacceptable does not become acceptable.

In 22 of the 63 intimate partner violence deaths, 36 children, 3 young people and 1 adult child saw or heard their parent being killed, and/or found their dead parent(s), and/or saw their dead parent(s) being attended to by emergency services.

A particularly vulnerable but often neglected group of survivors of fatal family violence are the children and siblings of family violence victims. These children deal with the trauma of loss as well as the trauma of previous violence, yet little thought is given to their needs.

Responding to family violence

The idea of ‘empowering’ victims by encouraging them to go into a refuge or take out a protection order puts the responsibility on them to keep themselves and their children safe.

The Committee believes the current family violence system over-relies on victims taking actions such as going to a women’s refuge or taking out a protection order, and that the responsibility for keeping them safe should rest with support services and the community.

Agencies should contain, challenge and change the abuser’s ability to use violence , and there should be more recognition of lethal risk indicators such as specific threats to kill, non-fatal strangulation and extremely jealous, controlling partners.

Non-fatal strangulation is a red flag for future serious abuse and fatality, yet it is not a specific criminal offence in New Zealand and is often minimised by victims, the police and the courts. One report in the United States found that ‘most abusers do not strangle to kill – they strangle to show they can kill’.¹¹

The Committee says there is a need to identify a ‘primary victim’ and a ‘predominant aggressor’ in cases of intimate partner violence so victims can seek safety, and abusive partners can be held accountable. (A primary victim is the person experiencing ongoing coercive and controlling behaviours from their intimate partner. A predominant aggressor is the main aggressor in an intimate partner relationship, and has a pattern of using violence to exercise coercive control.)

In a small number of cases, the person who committed the killing was the primary victim, and the person killed was the predominant aggressor. New Zealand’s criminal justice system is out of step internationally in the way it responds when the victims of family violence kill their abusers.

The defence of self-defence has been applied in a restrictive manner in New Zealand and we have abolished the partial defence of provocation, which can be used to reduce a charge of murder to one of manslaughter. As a result, the primary victims of extreme, long-term abuse can end up serving long prison sentences for murder, rather than having their victimisation recognised by the justice system.

Recommendations

The Committee recommends the following:

- The Campaign for Action on Family Violence extends its focus to encourage safe and effective interventions by friends, family/whānau, neighbours and workmates. This should include:
 - challenging the normalising of family violence

¹¹ G.B. Strack and C. Gwinn, ‘On the edge of homicide: Strangulation as a prelude’, *Criminal Justice*, vol. 26, no. 3, 2011.

- educating the public about coercive control and lethality risk factors
- emphasising the importance of seeking help when victims are at risk of being killed.
- New Zealand Police further strengthens its response to family violence by:
 - better managing offenders who have been violent to multiple partners and/or children
 - better supporting repeat victims
 - developing tools to assess the risk of offenders killing their victims
 - using the concepts of a 'primary victim' and a 'predominant aggressor'
 - ensuring that children's records state whether they are covered by a protection order.
- Better support is given to children whose parent, caregiver or sibling, is killed in family violence.
- A group is established to clarify the roles of each organisation involved in caring for child and adult survivors of family violence.
- The Government considers:
 - including non-fatal strangulation as a separate crime under the Crimes Act 1961
 - modifying the test for self-defence to make it more accessible to homicide defendants who are the primary victims of family violence
 - introducing a partial defence for primary victims of family violence who were not acting in self-defence when they retaliated against their abusers.
- Judges be given:
 - education and training on family violence
 - more background information about defendants charged with family violence, including any previous history of family violence convictions.

(For the full list of recommendations, see page 20 of the report.)

- Women's Refuge free Crisisline - 0800 REFUGE or 0800 733 843
- SHINE Free National Helpline 0508 744 633 (9am - 11pm, 7 days a week)
- The Family Violence Information Line 0800 456 450 (9am - 11pm, 7 days a week)