

# Communities and Culture Committee

**CC(3)-19-08 (p2): 22 October 2008**

## **Scrutiny Inquiry : Domestic Abuse**

### **Response from HMP Cardiff Restorative Justice Project (SORI) and Victim Support Gwent**

#### **Background**

##### **SORI - Supporting Offenders through Restoration Inside**

SORI - Supporting Offenders through Restoration Inside - is a programme of restorative justice interventions and processes designed and based at HMP Cardiff, and are based on best practice in terms of restorative justice practice and principles. A wider exploration of restorative justice and its aims is considered in the annex below.

SORI aims to offer a range of restorative approaches for offenders, victims and local communities affected by crime in South Wales. All parties involved do so voluntarily, as otherwise there would be no value in a perpetrator's work, and there could be the risk of revictimisation if a victim thought an offender was forced to engage in a process.

SORI has relied on partnership and multi agency design and delivery to ensure safe and affective practice inside and outside the prison, and this model is currently being piloted in 6 other prisons, with a view to national evaluation and approval through the Home Office.

In terms of addressing the harm caused by domestic abuse, restorative justice may offer unique opportunities to address the ripple effect of the harm caused to victims and their perpetrators and communities safely. The way in which the needs of all the stakeholders are addressed, in partnership and with information sharing and delivery across agencies, can offer the care and rigour required for work in this field, coupled with best practice from existing RJ interventions working with domestic abuse.

##### **SORI Interventions available**

SORI includes victims awareness courses, victim - offender groups, individual work programmes for perpetrators, direct face to face mediation, and more recently youth mentoring victim awareness courses in partnership with youth offending services. Other ad hoc processes are tailored to victims and offenders needs.

Since its inception in 2004, there have been 235 prisoner completions of courses, with 170 victims participating, 230 community representative involved in courses, and 56 different agencies from across South Wales participating in various ways.

##### **Victim centred practice and risk assessments**

Although SORI is offender-based because HMP Cardiff is the lead agency, it is entirely victim-centred. Either direct/ indirect victims or offenders can request a restorative intervention, but the victim(s)' needs are paramount, and careful multi agency risk assessment precedes and informs any work with all parties.

Victim Support has been a key partner in SORI's design and development from the very beginning to ensure victim's needs are met safely, before, during and after any RJ work. Victim empathy work also means addressing the previous victim hood of the offender(s), and the needs of the families and local communities all involved in a crime, in order to be effective

##### **Work with victims**

SORI includes a range of direct and indirect work with victims, depending on their needs, the suitability of the process to meet their needs, and rigorous risk assessments of all parties involved. The vast majority of the victims engaged through the SORI process are indirect victims of similar crimes, so for instance a parent or sibling of a victim of murder may want to meet with a perpetrator of murder to come to terms with their feelings and ask questions, but do not feel safe or happy meeting the direct offender, or in many cases it would be impossible because of distance or pleas of not guilty.

##### **Self referral through Victim Support**

In terms of the 12 victims of domestic abuse wanting to engage with a SORI process through Victim Support, victims have been female and male. They have always been interviewed and risk assessed and supported by another agency such as victim support (and sometimes supported by a women's safety worker or Women's Aid in their past), and have always been out of their abusive relationship. All of the victims engaged considered themselves survivors of domestic abuse.

##### **Indirect work with victims and perpetrators of domestic abuse**

All offences are considered suitable for RJ work at HMP Cardiff, apart from sexual offences as these are particularly complex and HMP Cardiff does not routinely hold perpetrators of these offences.

##### **SORI and Domestic Violence Perpetrators at HMP Cardiff**

Because of the various and complex concerns, domestic violence perpetrators voluntarily referring themselves to be considered for SORI are considered thoroughly and interviewed with particular caution. It has been agreed by the prison area psychologist that each offender is considered on a case by case basis, and after interview, prospective names of offenders and any concerns are always shared across all the agencies in the prison viz. psychology, probation, security, wing staff, healthcare staff and workplaces, as well as the offender management unit. Ongoing domestic violence is always flagged up, and ongoing multi agency decision making precedes inclusion/ exclusion of an offender in any intervention.

### **Exclusion of perpetrators**

Domestic violence perpetrators are regularly deemed unsuitable and excluded from SORI when there is considerable denial or minimisation, risk to their victim(s), or where other courses need to be sequenced prior to restorative work. Recently the IDAP programme was piloted at HMP Cardiff successfully, and in future work it would be ideal as a precursor - or in some cases follow on intervention - for SORI.

As with all other offenders, admission of some degree of guilt and responsibility for creating victims is prerequisite for SORI- if an offender is denying they have victims, it is impossible to engage with them, so at least some degree of admission of culpability is essential. Minimisation and denial are especially common in domestic abuse perpetrators, and interviewer also needs to be aware of them being manipulated within the interview process itself. Fact finding and clarification is vital when DV/ DA offenders are included in SORI.

### **Difficulties with "screening out" domestic abuse**

#### **Non disclosure and perpetrators as victim themselves**

Even where not disclosed, it is fair presumption confirmed by SORI group and individual observation, that prolifically violent individuals probably exhibit violence in most of their relationships, including intimate ones. The other reality is the victim hood of the offenders. In nearly every case of domestic abuse (and most other violent crimes), the offenders have described experiences of violent childhoods and homes, and chaotic wider social networks, and have been victims of abuse in different forms themselves. This is never accepted as an excuse in interviews, but does contribute to an understanding of the contributory factors leading to a man's violence, self perception and self justification.

#### **Domestic abuse victims as victims of multiple crimes**

Similarly, victims of a range of crimes other than domestic abuse have been involved in a range of processes, and during interviews about their current experience of, for example, burglary, would disclose that they have also been victims of domestic abuse. Again, this is to be expected when the rate of domestic abuse is so high. We have also heard from working with victims that the fear, secrecy and stigma still surrounding domestic abuse, together with low rates of criminal prosecution, can leave victims with many unresolved issues, including self blame and low self esteem. SORI can offer another route to self recovery by offering

### **Outcomes of engagement with RJ for victims of domestic abuse**

#### **Benefits for victims**

SORI can provide satisfaction and aid recovery for victims within a safe and supportive framework, offering answers to questions previously unanswered by the traditional criminal justice system, and reducing the fear of crime through meeting remorseful offenders who are not in denial or minimising the harm caused.

#### **Domestic abuse and power**

Victims can experience disempowerment through crime, experiencing low self esteem and even self blame, sometimes feeling targeted. The balance of power is deliberately reversed in SORI processes, with victims given the opportunity to determine what happens, and what processes and outcomes are desirable when meeting with perpetrators of similar crimes (currently never their own direct offender nor anyone known to them in victim offender group work). This is especially important for victims of domestic abuse/ domestic violence, and evidence from interviews with DA victims suggest the shift in power during victim-offender groups is significant and personally empowering, as victims have the power to challenge and question violent and abusive behaviours safely, often for the first time.

The reality that the victims were not to blame - their perpetrator was - is reinforced by offenders themselves who are not in denial and are not minimising the damage they have caused. Meeting offenders in a vulnerable situation and a safe environment can be immensely empowering in itself. The realisation and reinforcement of the fact that the offender is to blame, and increase in self worth together with pride in having confronted deep issues, is consistently reported back through interviews. Victims of domestic abuse have consistently asked to return to be involved in SORI again to reinforce their own personal journey, have become volunteers with victims support subsequently, and continue to be involved with SORI in different capacities.

#### **Benefits for offenders**

The offender is helped to understand the harm done through their crime through listening to the experience of victims; challenged to accept full responsibility for the consequences of their actions by considering the impact of their crime; held fully accountable for their crime; to apologise if and where desired; and finally helped to find positive ways to make real amends. SORI graduates consistently make good candidates on other interventions because of their motivation to change and to be open about their offending behaviour.

The opportunity to engage with each other openly offers a practical way forward for the victim, the offender and the community. The programme also facilitates steps towards eventual resolution in different ways by both the victim and the wider community, enabling a sense of closure and willingness to move forwards positively. Forgiveness is never a requirement or an expectation, and cannot ever be, although some outstanding issues are often reconciled.

### **Increased Partnership working**

Representatives from the local community and criminal justice services are also encouraged to participate, providing a sense of public accountability and co-operation, while enabling greater confidence and transparency in the criminal justice system.

### **Evaluation**

Evaluation of all participants takes the form of a range of pre and post course interviews and psychometric testing, as well as more recently more qualitative interviews with offenders. Locally, initial small scale evaluation with the prison psychology department through psychometric testing and interviews suggests that SORI benefits victims, offenders and communities affected by crime. National evaluation of the 6 pilots will give us a wider perspective.

### **Victims**

Victim satisfaction rates monitored by Victim Support Gwent are running at 99% satisfaction in terms of receiving the outcomes desired (questions answered, fear of crime reduced, knowledge of the criminal justice systems and prisons increased). Victims consistently say they are able to move on and "put to bed" issues that had been haunting them for years.

### **Offenders**

For offenders, increases victim empathy and increases offenders' motivation to change, and increases awareness of the full impact of crime. SORI "graduates" also engage fully in other interventions to address their individual offending behaviour. Re-offending rates are difficult to assess because considerable resources are required to track offenders on release, the indicator is complex to assess, and many of the participants are still in the prison estate because they have committed serious crimes and are serving long sentences. However, if funding was made available, a study would be very much welcomed.

### **Community**

In terms of community representatives, a consistent theme emerges in their responses concerning the reduction of the fear of crime, as often a face to face meeting with a serious offender in the safe environment explodes the stereotype of a remorseless monster as portrayed in the media. The reality of prisons and their positive attempts to rehabilitate offenders is often a surprise. Requests to be involved as volunteers or partners happens in every course.

Frequently, criminal justice agency representative involved in SORI have asked to be involved in future interventions which has resulted in concrete partnership work across the criminal justice system.

### **SORI Processes involved - Victim-Offender groups**

Indirect victims have met in small (maximum 8 persons in total), highly facilitated and supported groups with perpetrators of domestic abuse who were considered safe and suitable for restorative work on 4 occasions since 2004. There are deliberately far more victims and facilitators than perpetrators in groups to redress the balance of power, deliberately to give back some of the power that victims experienced through the crime. Groups are never left alone, and victim support workers or SORI facilitators already working with the victims have always been present in groups.

### **Victim centred processes**

Victims dictate the process, and can ask questions and challenge offenders about their offending. Every group focussed on understanding why perpetrators harm their victims, and again every group discussed the cycle of violence experience by offenders and victims (many victims revealed they had been brought up in violent homes). Offenders in each case accepted full responsibility for what they have done, and expressed their shame. In each group there have been victims who wanted to share their experience of domestic abuse and its wide impact, and their anger that is no longer turned in on themselves, but can be vented safely.

### **Direct work with victims and perpetrators**

We have never worked with direct victims and their perpetrator because of the risks, skills and considerable resources involved to ensure safe practice, although direct victims have approached us asking for mediation. We have refused, not because we have thought it might not be safe, but because we were aware we needed more training and more resources to even consider a process and that protocols and procedures would have to be robust and rigorous, and designed and delivered with domestic abuse expert agencies before, during and afterwards.

### **RJ and domestic abuse - a divided issue**

However, we are aware through RJ networks and conferences that that direct and indirect RJ processes are routinely engaged in other areas of Britain and especially internationally, where certain practices and principles are followed. We are also aware that the use of RJ in domestic abuse is contentious, sensitive and can be politicised. An expansion of the current debate and its history are contained in the annex below, including the Home Office stance.

## **Home Office Crime Team for Wales Grant for a Domestic Violence Restorative Justice Pilot**

In 2007, the Home Office Crime Team for Wales offered a grant to SORI to work in partnership to carry out research on current and best practice where RJ is employed and to deliver an RJ pilot with associated protocols and multi agency working. The work has been ongoing and not easy, largely because of the polarised viewpoints and necessary and understandable concerns from a range of agencies involved in working with victims and perpetrators.

The research paper was completed in August 2008 by RJ experts, and a full version will be available as part of the final report in 2009. The research identified in mainstream domestic abuse work applies in RJ work, and centre on safety and risk assessment at every stage. Successful RJ programmes for domestic violence have safeguards for victims, procedures for checking voluntarism, a multi-agency approach, support services available, sufficient staff resources and rigorous training and supervision. The learning from the research has informed our practice at each stage, and will continue to do so.

### **Supporting Criminal Justice proceedings and providing effective safe supportive work and/ or alternatives**

Effective, supportive and safe criminal proceedings are always to be encouraged where possible. However, many victims of domestic violence end up dropping charges and returning to their abusive situations, so prosecution does not provide a solution for everyone. In addition, court cases do not resolve many of the outstanding and complex issues for the direct victim and their family, including unanswered question about the abuse itself and resolution and ending of relationships safely.

Also, direct work is not the only approach that may provide safe benefits for victims e.g. direct in shuttle mediation is possible, where information is gathered appropriately, shared in a multi agency third party mediation approach, and passed between parties involved to agree an outcome whilst ensuring safety.

### **Research Evidence - Delivery of Restorative Approaches Nationally and Internationally**

There have been (and still are) several projects in the UK and internationally which have used restorative approaches with domestic violence/ abuse cases, to provide an additional support for victims and families alongside criminal proceedings after a guilt plea. Occasionally, an alternative highly facilitated restorative process might be possible, where safe and appropriate, for those who want another means of resolving issues either alongside criminal proceedings, or where criminal justice proceedings have broken down or failed.

Various models of effective restorative practice are employed safely and sometimes routinely, that include direct work as well as indirect work in order to address the needs of the victims of domestic abuse, their perpetrator(s), and their wider social networks. There are varying degrees of success in terms of reduction of re-offending, with some exceptionally successful interventions where resources have been consistently applied to multi agency safe practice alongside courts.

### **Implications for the SORI RJ Pilot**

Multi agency meetings have continued to look at best practice and any further work required, using SORI rigorous selection processes, Victim Awareness courses and groups as a basic design that will need amending in terms of focus entirely on domestic abuse.

The victim engagement will initially be indirect work as with other SORI courses, and already long terms survivors of domestic abuse who are also involved in criminal justice agencies have asked to be involved, and are part of the design process. A pilot has been provisionally planned for December 2008 at HMP Cardiff, pending necessary agreements by governors and evaluating psychologists. A final report on the outcomes will be completed in April 2009, according to the terms and conditions of the Home Office.

### **Summary**

SORI is a range of best practice restorative justice interventions for perpetrators, victims and communities affected by crime. SORI has worked safely and effectively with indirect victims of domestic violence since 2004, although work with RJ and domestic abuse is a debated issue because of the risks and complexities involved. However, nationally and internationally RJ is employed directly and indirectly and safely in working with RJ victims and perpetrators. The Home Office Crime team for Wales in 2007 funded the research and piloting of a best practice pilot focussing solely on domestic abuse, which is anticipated to be delivered December 2008.

## **Recommendations**

The committee supports the continued research, development and evaluation of safe and appropriate restorative justice interventions for perpetrators and victims of domestic violence, initially through the SORI domestic violence research and pilot.

The committee requests a copy of the final report following the completion of the SORI domestic abuse pilot at HMP Cardiff.

As safe and robust development work in this field is currently dependent on grant funding, any appropriate funding streams that might be available to support ongoing rigorous evaluation are identified.

The committee encourages and supports the ongoing development of multi agency partnerships to work together in this field ensure that best practice is adhered to, specifically in terms of developing safeguards for victims, procedures for checking voluntarism, ensuring support services available for all participants, and enabling sufficient staff resources, with rigorous training and supervision for facilitators.

The committee considers the research and current best practice in terms of RJ and domestic abuse as part of the future consultation by

the Criminal Prosecution Service examining current practice in this field.

## **Annexes**

### **Annex 1**

#### **The context - Restorative Justice (RJ)**

Restorative justice is a proven and powerful tool to help address the harm caused by an offence. It is unique in that perpetrators, victims and communities can all be engaged in addressing the reality of the wide impact of any crime - there is rarely one victim as the ripple effect of crime is great and extends beyond the direct victim. This would be particularly true on cases of domestic abuse where whole families and communities can experience the harm caused by perpetrators.

Useful working definitions of restorative justice include the following:

Restorative Justice focuses on repairing the harm caused by crime and reducing the likelihood of future crime

(Ness & Strong, Restoring Justice)

"Restorative justice seeks to balance the concerns of the victim and the community with the need to reintegrate the offender into society. It seeks to assist the recovery of the victim and enable all parties with a stake in the justice process to participate fruitfully in it."

"(Restorative Justice Consortium)"

#### **Broad aims of restorative justice**

The primary goal of restorative justice is to help repair some of the emotional and physical harm caused by an offence. The focus is on problem solving for the future rather than solely establishing blame for past behaviour. Crime is viewed as a violation of one person by another, as opposed to a violation against the state. Justice is done when the needs of primary stakeholders, victim, offender and community, are met to the greatest extent possible, and any truly restorative process has to be victim-centred. .

#### **Best Practice and Principles**

Safety and "do no more harm" are fundamental principles informing all practice at all stages of any restorative approach. A range of interventions are possible at any point in the criminal justice system, depending on the victim(s)' needs and risk assessments. These include indirect and direct victim-offender work, individual and group engagement, and can take the form of face to face meetings and/or written communication via third parties.

#### **Training**

All practitioners undergo ongoing professional training and supervised practice, and will always work in partnership with other agencies to ensure best practice.

### **Annex 2**

#### **Restorative Justice, the Home Office and Domestic Abuse**

The government consultation paper "Restorative justice: the Government's strategy" (Home Office 2003) asked a question on restorative justice and domestic violence:

What would be the benefits and disadvantages of developing more specific principles in particular areas - for example for sensitive offences such as hate crimes, sex crimes and domestic violence?

The responses regarding domestic abuse showed that views were strongly polarised: "Domestic violence specialists were strongly against their use in any such cases, while proponents of restorative justice thought they could be beneficial in some cases." The arguments against the use of restorative justice centred round the risk of re-victimisation, the power imbalance and the seriousness of domestic violence. Those involved in restorative justice cited the right to choose, the use of highly skilled facilitators and a multi-agency approach. The government conclusion was that more evidence was required on what works for victims. (Home Office 2004a)

Accordingly, the subsequent publication "Best Practice Guidance for Restorative Practitioners", based on discussions with many restorative justice organisations, under Section B: Sensitive and complex cases, says: 'The use of restorative processes in domestic violence cases is not agreed; the government's forthcoming paper on domestic violence will address this issue.' (Home Office 2004b). At the time of writing (August 2008), this paper was still awaited. Meanwhile the Domestic Violence, Crime and Victims Bill was passed in November 2004, providing new powers for courts to deal with perpetrators of domestic violence, closing some anomalous loopholes and giving victims statutory rights (Home Office 2004c). These are enshrined in the "Code of Practice for Victims of Crime", launched in April 2006 (Home Office 2006). However, restorative justice is not included.

Nevertheless, there have been and still are projects in the UK where mediation occurs in situations of domestic violence.

#### **History of development of opinions**

Many women's organisations believe that restorative justice has no application to domestic violence, and that victim-offender mediation can only be dangerous. This point of view is understandable, given the relatively recent acknowledgement of domestic violence as a crime. It is not so long ago that domestic violence cases were still seen as private affairs where men had the right to do what they liked, and women were held to blame if they were abused. Women's organisations rightly do not want to see the clock turned back and domestic violence put back into the private domain by restorative approaches (Home Office 2004).

Respect is clear that RJ should not be used when couples are in a violent relationship as it can increase the danger to women (Respect 2004). However, it is not opposed to well-constructed and thought-out interventions after a relationship is over, or after a suitable period of non-violence in the relationship. The criteria and implications for these areas need to be looked at in more depth.