



JOURNEY TO JUSTICE CONFERENCE

**Domestic violence and abuse.
How can our policing and
justice systems help?**

26 January 2011
9.30am - 3.30pm
Belfast City Hall

Welcome

Councillor Caoimhin Mac Giolla Mhin
(Chair South Belfast DPP)

Carol Diffin
(Chair Belfast DVP)



Emma's Story

Catherine Ferrin

Belfast & Lisburn Women's Aid



Opening Address

Guest Speaker

Protection & Justice in the Civil and Criminal Courts

**His Hon Judge Burgess
The Recorder of Belfast**

Policing Domestic Abuse

Judith Gillespie OBE

Deputy Chief Constable

PSNI

The Legal Option and Challenges

Ann Caldwell

Solicitor

Flynn & Mc Gettrick

PROSECUTING CASES OF DOMESTIC VIOLENCE

Stephen Burnside
Senior Assistant Director

The logo of the Public Prosecution Service, featuring a stylized white flower or sunburst design behind a dark purple oval containing the text "PUBLIC PROSECUTION SERVICE" in white capital letters.

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SERVICE

Aim Today

- Explain the PPS role in prosecuting cases of Domestic Violence
- Explain the PPS policy on prosecuting cases of Domestic Violence
- Highlight the issues which arise in those cases.

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The PPS

Vision: To be recognised as providing a first class prosecution service for the people of Northern Ireland.

Aim: To provide the people of Northern Ireland with an independent, fair and effective service.

The PPS makes decisions regarding all prosecution files referred by police and other government departments. In 2009/10 that was **75,887 cases**.



The Decision To Prosecute

Two Parts....

- **Evidential** – considering the available evidence it is reasonable to conclude that a Court will convict the accused
- **In the Public Interest** - prosecution is required as it will be an overall benefit to all of society

Both parts must be met for a decision to prosecute can be made.

The evidential part must be met before the Public Interest part can be considered



“In the Public Interest”

Prosecutors look at all circumstances of the case (including the circumstances of the victim and offender) when determining where the public interest lies.

In serious cases like those involving domestic violence it is much less likely that a prosecution will not proceed on the basis of the public interest.

Whilst there must be some recognition that the state should not involve itself in private, family matters, it is clear and accepted that where a person resorts to violence, whether physical or psychological it is for the benefit of all society that that person be held to account.



Prosecuting Cases of Domestic Violence

No statutory offence of 'Domestic Violence'

PPS definition:

'Any criminal offence arising from any incident of threatening behaviour, violence or abuse (psychological, physical, verbal, sexual, financial or emotional) inflicted on one person by another where they are or have been intimate partners or family members, irrespective of gender or sexual orientation'.

Family members:

mother, father, son, daughter, brother, sister and grandparents whether directly related, in-laws or step family.

The logo of the Public Prosecution Service (PPS) is located at the bottom center of the slide. It consists of a dark purple oval with a white border. Inside the oval, the words "PUBLIC PROSECUTION SERVICE" are written in white, uppercase, sans-serif font, arranged in three lines: "PUBLIC", "PROSECUTION", and "SERVICE". The background of the slide features a colorful, abstract geometric pattern of overlapping triangles in shades of purple, yellow, and green, with a white starburst design behind the PPS logo.

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Statistics

2008/2009

Prosecution/Diversion: 1931
No Prosecution: 2,173
Total: 4,104

2009/2010

Prosecution/Diversion: 2,446
No Prosecution: 1,962
Total: 4,408

The PPS decides that an adult caution or some other diversion from Court is appropriate in about 15% of cases – in these cases diversion is often with the agreement or at the request of the injured party.

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Issues for the Prosecutor

- Low rate of reporting
- Victims reluctant to make formal written complaint
- High incidence of victim withdrawal from prosecution process
- Time taken to progress cases

The logo of the Public Prosecution Service is an oval with a dark purple background and white text. It is centered at the bottom of the slide, overlaid on a decorative background of overlapping triangles in shades of purple, yellow, and green, with a white sunburst-like pattern behind the oval.

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Issues at Court

What happens when a victim withdraws support for prosecution?

Can the Prosecution proceed without the victim's evidence?

Is it in the Public Interest to proceed against the victim's wishes?

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Working within the PPS

PPS Policy on Prosecuting Cases of Domestic Violence

Specialist Domestic Violence Prosecutors appointed in each regional office

Prosecutor training

Quality Assurance of decision making

Thematic reviews



Working with Others

Regional Strategy Group on “Tackling Violence at Home” and sub-groups

Working with PSNI – Joint Training, service level agreement, prosecutorial and pre-charge advice

Women’s Aid – Provided training for Court Support Workers, training provided to prosecutors

Victim Support NI – referral to VSNI Witness Service

Interpreter provision

Awareness raising among legal profession

Implementing CJINI recommendations



Integrated Domestic Abuse Programme

Journey to Justice Conference
20th January 2011

Geraldine O'Hare
Head Of Psychology Services & Interventions
Probation Board for N. Ireland

Overview of PBNi

- PBNi helps to prevent reoffending by assessing offenders, challenging their offending behaviour, changing their attitudes and behaviour and thereby protecting the public.
- PBNi seeks to achieve its aims through:
 - Assessment and management of risk
 - Preparation of approximately 6,000 Pre Sentence reports every year to assist sentencers
 - Supervision of approximately 3,500 offenders every year in the community
 - Providing a range of services in prison

IDAP & What Works

“What Works” - Principles:

Risk classification

Responsivity

Treatment modality

Treatment integrity

Community based

Criminogenic needs

McGuire, J., What Works: Reducing Reoffending,
Andrews & Bonta, 2003


Research Informing IDAP – US Origins

- Duluth, 1980
- 24 week non-violence programme
- Multi-agency cooperation

Advantages of IDAP – Strengthening MODV and DV Interventions

- Accreditation means that IDAP has met the CSAP gold standard for programmes. The criteria for this closely match the research literature's criteria for successful programmes
- Consistent approach across UK and Ireland. This brings us many benefits such as a wider pool of expertise, experience and a wider pool of evaluations to draw on
- Sound theory base
- Up to date assessment and evaluation
- Rolling format benefits community and custody settings
- Robust assessment centre
- Links in well with current programme providers – natural progression from MODV
- Well written training materials
- Integrated, multi-agency approach
- PSR assessment – early identification of needs and services to involve

Cognitive Behavioural Techniques: IDAP Treatment Targets

- Analyse distorted thinking
 - Raise emotional awareness
 - Address skill deficits
 - Problems with self-regulation
 - Lack of motivation to change
 - Substance abuse
- 

Who Is The Programme For?

- Men aged 18 or over with a history of domestic violence or abuse
- Their risk of committing further domestic abuse/ violence offences should be assessed as imminent
- They should demonstrate some motivation to change and possess some recognition of the unacceptability of their behaviour
- The programme also offers support services to women who have been victims of the men sentenced to the programme and men's current partners, through women's safety services.

IDAP Exclusion Criteria

- Does not meet criteria of male offender 18 + who has committed domestic abuse in the context of a heterosexual relationship
- Does not demonstrate the criminogenic needs that the programme seeks to address
- Absolute denial of the offence or acceptance of any personal responsibility
- Acute mental health problems
- Severe drug or alcohol dependency
- Ability to operate in a group environment
- Low intellectual functioning
- Serious literacy problems
- Those whose spoken English is of such a standard that they need an interpreter
- Failure to attend the pre programme preparation sessions

Programme Aims

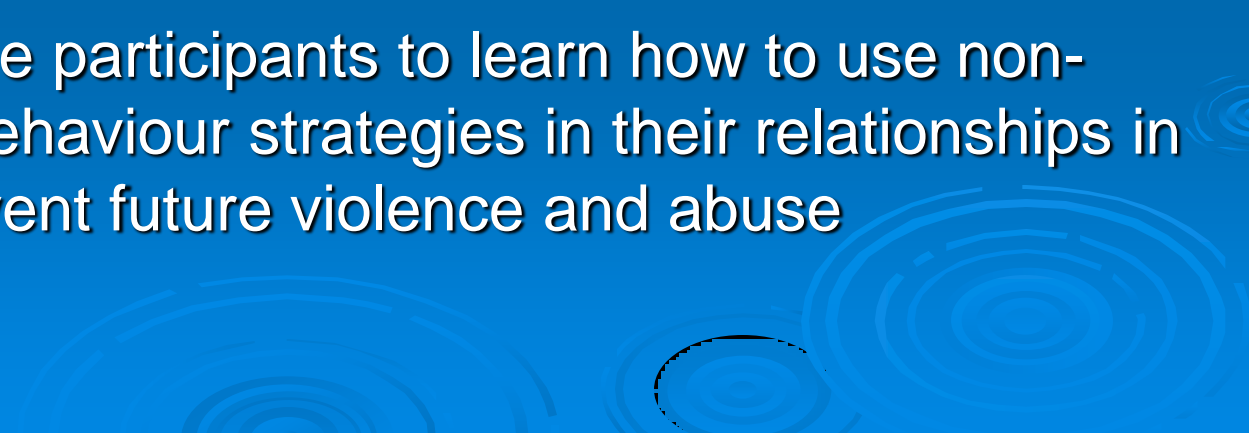
- The overall aim of the Integrated Domestic Abuse Programme is to ensure the safety of women and children who are victims of offenders placed on the programme
- The programme aims to provide known victims and current partners of men undertaking IDAP with information, and to support safety planning
- The programme aims to work collaboratively with other agencies to manage risk constructively. IDAP is delivered within the context of the Public Protection Arrangements Northern Ireland (PPANI) and Sharing to Safeguard Children Procedures. Monitoring and tracking of offenders is built in to all aspects of programme arrangements to promote effective risk assessment and risk management
- The programme as a whole includes an evaluation from the standpoint of victim safety
- Victim contact is an essential part of the programme

Objectives of Programme

The programme is designed to help men stop their violence by achieving five objectives:

1. To provide known victims and current partners of men undertaking IDAP with information and to support safety planning
2. To help men undertaking IDAP understand:
 - Why they use violence and abuse against partners and ex-partners
 - The effects of this behaviour on their (ex) partners, children, others and themselves

Objectives of Programme

3. To encourage participants to take responsibility for their abusive and violent behaviour in their relationships
 4. To motivate participants to take specific positive steps to change their behaviours in their relationships
 5. To encourage participants to learn how to use non-controlling behaviour strategies in their relationships in order to prevent future violence and abuse
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- A decorative graphic consisting of several concentric circles, resembling ripples in water, is located in the bottom right corner of the slide. The circles are light blue and vary in size, creating a subtle background element.

The Nine Modules of the Curriculum

1. NON-VIOLENCE
2. NON-THREATENING BEHAVIOUR
3. RESPECT
4. SUPPORT AND TRUST
5. ACCOUNTABILITY AND HONESTY
6. SEXUAL RESPECT
7. PARTNERSHIP
8. RESPONSIBLE PARENTING
9. NEGOTIATION AND FAIRNESS

Groupwork Programme Delivery

- 3 pre group orientation sessions with Case Manager and Facilitators
- 27 weekly sessions over 9 months
- Divided into 9 modules of three sessions per module
- Participants can join at the beginning of any module (except Sexual Respect)
- Each session is led by two programme facilitators (male & female)
- Each offender meets with offender manager once per month
- A mid programme report is completed and a review meeting held after the completion of four modules
- The WSW (Women's Safety Worker) responds to any contact from the woman and makes contact with her half way through the programme

Expected Outcomes For Men Attending IDAP

For those men undertaking the IDAP programme, expected outcomes are that on completion of the programme participants will be able to:

Take responsibility for their use of violent and abusive behaviour in their relationships

Identify the beliefs and intents that underpin their abusive and violent behaviour

Acknowledge the effects of their use of abusive and violent behaviour on their partners and ex partners, children, others and themselves

Take specific, positive steps to change their behaviour in relationships, using IDAP Skills and Strategies for non-controlling behaviour learned on the programme

Role of Women's Aid

- Partners and ex-partners (victims) of men sentenced to IDAP are offered support and assistance by specially trained Women's Safety Workers during the period the man is taking the programme
- Regional WSWs (Women's Safety Workers) attached to the programme
- Meet with consenting victims four times throughout the programme
- Contribute to promoting victim (both women and children) safety by supporting women to construct a realistic safety plan
- Provide realistic information to women about the men's domestic violence programme and possible outcomes
- Facilitate referral of women to appropriate local services for support, advice and assistance
- Contribute to risk management
- Evaluation
- Co-ordinated community response

PBNI Pilots

- Programmes running in Belfast, Armagh Derry and Antrim from early 2010
- Monthly and quarterly meetings between PBNI, Social Services, PSNI and Women's Aid to gather issues
- End of pilot evaluation
- Ongoing supervision and treatment management to ensure programme integrity

HMP Cardiff Evaluation - Quantitative

- Large positive effect on the level of control that participants believe they have over their behaviour and the level of responsibility they accept for their offending, factors, which are thought to be related to anti-social behaviour
- Less likely to endorse justifications for their abusive behaviour than those offenders who did not receive treatment
- A moderate effect was also found for the group's ability to rationally cope with stress
- Moderate effect on preoccupied attachment style that suggests that the treatment group were less likely to be mistrusting and pre-occupied with rejection in their relationships, which has been shown to link with domestic violence perpetration
- Moderate negative effect on the participant's anger expression with the treatment group appearing to be more likely to suppress their anger post treatment

Evidence from USA Duluth Programmes

- At 30 months after batterer program intake, 80% of the men had not been violent to their partners in the previous year, and at 48 months, 90% had not been violent in the previous year (Gondolf, 2000b, 2002, 2004).

PBNI Evaluation of IDAP

- Issues gathered at monthly meetings to inform process evaluation
- Psychometrics pre and post to measure change in offending attitudes
- Quality of Life and Violence Assessment measures for both victims and offenders
- All information collated on a central database
- Long term evaluation by PBNI will measure reoffending rates

Guiding Principles For The Future

- Shared Best Practice / Inclusive Approach
- Collaboration across Criminal Justice and other agencies
- Links with academic institutions
- Research to inform best practice
- Testing learning in N. Ireland context – what works to reduce Domestic Abuse in NI?

Geraldine O'Hare

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The Scottish Experience

Dorothy Bain QC

Principal Advocate Depute

Crown & Procurator Fiscal Service

Scotland

Discussion and Questions

Emma's Story

Catherine Ferrin

Belfast & Lisburn Women's Aid



NICCY

northern ireland commissioner
for children and young people

Patricia Lewsley

www.niccy.org



Patricia Lyness
Management Coordinator

Belfast and Lisburn
Women's Aid

Working to End Domestic Violence

women's aid

Belfast and Lisburn

PSNI Support Workers Project

- Established 2007 as Pilot – North Belfast District A
- Expanded in 2009 to South/East District B
- Currently 2 Women's Aid staff working in Districts A & B Public Protection Units
- Funding – NIHE, PSNI, Belfast HSC Trust.

women's aid

Belfast and Lisburn

Aims

1. To reduce repeat victimisation, incidents and crime
2. To support women in accessing protection and justice
3. To ensure prompt access to Women's Aid and other agency services
4. To increase women's safety
5. To prevent women and children becoming homeless
6. To protect and safeguard children and young people
7. To develop more coordinated and effective partnership working.

women's aid

Belfast and Lisburn

Benefits and Outcomes

- Immediate response/intervention
- Appropriate referrals/support
- Prevents homelessness
- Supports mothers parenting capacity
- Improves outcomes for children and young people.

women's aid

Belfast and Lisburn

Benefits and Outcomes

- Increases confidence in police and criminal/civil justice systems
- Reduces repeat crime/victimisation
- Frees police time/resources
- Improves partnership working
- Contributes to government policy/strategy

women's aid

Belfast and Lisburn

Support for Victims of Domestic Violence & Abuse



Victim Support Northern Ireland

is the leading independent charity providing services to victims
of all types of crime

with 58 paid staff and almost 200 volunteers we are
“local people helping local people”

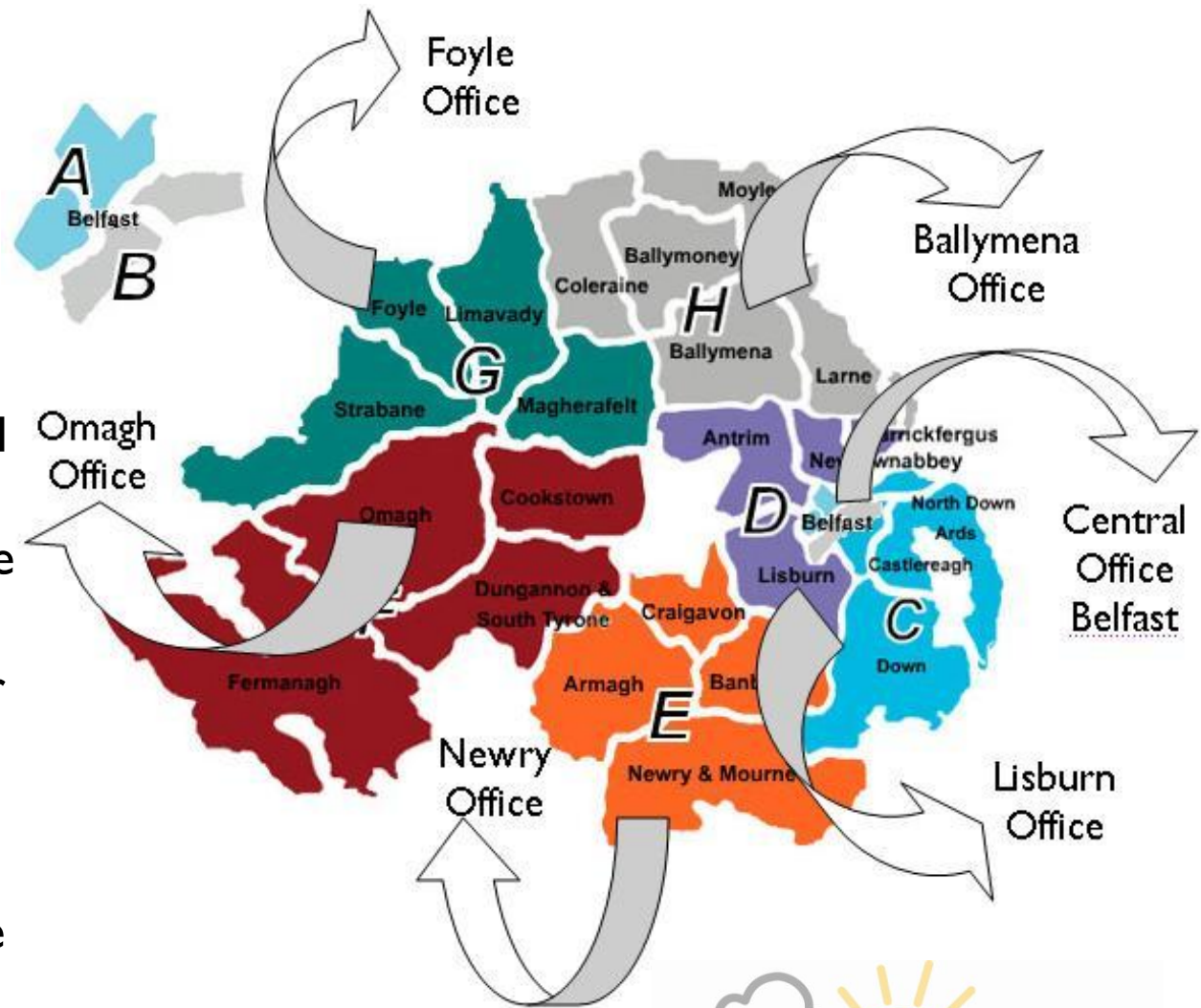


Regional, independent
charity for victims and
witnesses of crime in
Northern Ireland

We are the only
organisation dedicated
to helping ALL victims
and witnesses of crime

We will help whatever
crime they have
suffered and whether
or not it has been
reported to the police

Our services are free
and confidential



Number Crunching

- 1 national Victim Support charity
- 27,562 victims referred
- 3,446 emotional support visits
- 7,000 witnesses supported
- 5,608 pre-trial court visits
- 184 volunteers
- 3,816 volunteer hours per month
- £1½ million of volunteers' time
- 2,107 compensation applications
- £4.5 million compensation won



Community Service

- We provide an opportunity for victims to talk in **confidence** to a **trained volunteer** about their feelings.
- Our model of contact includes:
 - personal support,
 - information and options,
 - support and information about the CJS,
 - practical support,
 - referrals to other services

Criminal Injuries Compensation Service

- We help those who have been injured by a **violent crime** to apply for criminal injuries compensation.
- If rejected we can **represent the person** at appeal.
No percentage of the claim is taken by us.
- Burden of proof: Balance of Probabilities (Tribunals)
as opposed to Beyond Reasonable Doubt (Courts)
- Key issues: Victim can't be living with the offender
Full co-operation with police and prosecution

Witness Service

- We help people **understand** the court processes and can arrange a pre-trial **familiarisation visit**.
- We provide a **private waiting room**, away from the defendant and their supporters.
- We can also **accompany the witness** in to the court room if they wish.
- We **work in partnership** with NSPCC Young Witness Service.

Special measures

- Live TV link
- Screening
- Evidence by pre-recorded video
- Removal of wigs and gowns
- Exclusion of press during evidence
- Protection of the witness from cross examination by defendant
- Use of interpreter (or other intermediary – not in N.I).
- Restrictions on evidence about complainants sexual behaviour .
- Clearing of the court.
- Pagers for witnesses

Who can apply?

Witnesses with:

- Physical disability/disorder
- Mental disability
- **Those who are vulnerable through fear and distress -intimidated**
- Children under 18 automatically entitled

How are they accessed?

- Identified by officer in charge
- PPS alerted decision to apply made
- Application made to trial judge
- Judge weighs up with consideration on
 - The impact on evidence
 - Rights of the defendant
 - Impact on Trial process

Issues faced by victims

- Delays (due process OR tactics?)
- Information about case progression
- Special Measures
 - early identification
 - agency support

NEXT STEPS

Be clear about what
we want

Discussion and Questions

Closing Remarks