

Domestic Violence interventions for higher risk offenders

NCOSS Submission

18 January 2016

About NCOSS

The NSW Council of Social Service (NCOSS) works with and for people experiencing poverty and disadvantage to see positive change in our communities.

When rates of poverty and inequality are low, everyone in NSW benefits. With 80 years of knowledge and experience informing our vision, NCOSS is uniquely placed to bring together civil society to work with government and business to ensure communities in NSW are strong for everyone.

As the peak body for health and community services in NSW we support the sector to deliver innovative services that grow and evolve as needs and circumstances evolve.

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Summary of recommendations

Recommendation 1

The NSW Government increase funding of perpetrator interventions to ensure supply meets demand in both Corrective Services settings and community based MBCPs.

Recommendation 2

The NSW Government funds a project to identify key stakeholders in each NSW region and develop a suitable framework through which a collaborative approach to delivering perpetrator interventions and other programs to keep victims of domestic and family violence safe can be facilitated. This project should aim to identify and capitalise on existing networks where possible.

Recommendation 3

That the NSW Government develops a process to reassess suitability and readiness for a domestic violence offender to undertake domestic violence intervention programs once treatment has stabilised any existing drug and alcohol and/or mental health conditions.

Recommendation 4

That the quantitative indicators being used to evaluate intervention models includes the collection of data on the numbers of offenders that have participated in and completed treatment for mental health conditions and serious substance abuse, prior to engaging in domestic violence offender interventions.

Recommendation 5

That the NSW Government resource collaboration between experts in cognitive disability and low levels of literacy; and current providers of Men's Behaviour Change Programs in the community and Corrective Service settings to develop tailor-made domestic violence responses with the aim of reducing recidivism in this cohort of perpetrators and including those who have received sentences of less than two years.

Recommendation 6

That the NSW Government undertake a targeted consultation to assess whether the system can respond effectively to cultural and linguistic diversity among high risk offenders and where gaps are identified, interventions based on evidence-based best practice and cultural expertise are developed to respond.

Recommendation 7

That the NSW Government invests in meeting the demand for perpetrator interventions in rural and regional areas of NSW where evidence shows high concentrations of domestic violence related assaults.

Recommendation 8

All interventions introduced or funded as a result of this process must meet the Minimum Standards for Men's Behaviour Change Programs.

Recommendation 9

That ADVO defendants are sent for a mandatory assessment to determine the most appropriate response on the basis of eligibility and suitability for intervention programs and provide a relevant referral. Where an ADVO breach occurs, take up of this referral should be mandatory.

Introduction

NCOSS congratulates the Premier on prioritising a large scale reduction of domestic violence re-offending by 2019. In doing so, the Premier is sending a strong message that domestic and family violence is an issue that the NSW Government is ready and willing to tackle. We note that the *Discussion Paper on Interventions for higher risk offenders* (the Discussion Paper) is but one of a number of steps the Government is taking and we look forward to continuing to work with the Government including through the process of developing the *Blueprint for the domestic and family violence response in NSW*.

No one response will increase the safety of the victims of domestic and family violence on its own. NCOSS sees merit in a range of options discussed in the Discussion Paper and rather than choosing one over another prefers to view these options as part of the strong toolkit that is needed to tackle domestic and family violence.

Responses to consultation questions

What should the NSW Government consider when developing a model of intervention for higher risk offenders?

Reducing the risk for women and children

The Discussion Paper outlines that to reach the target of 5 percentage points, from 14.2% to 9.2%, means that domestic violence reoffending rates must come down by 35% in real terms. NCOSS believes that there is significant expertise and energy housed within both the Community and Government sectors to reach this laudable target.

We believe that the focus on high risk offenders is worthy but careful consideration must be given to how high-risk and low-risk offenders are categorised and consequently how resources are applied to respond to their behavior and attempt to change it. Sadly, the 2013-2015 Annual Report of the Domestic Violence Death Review Team notes that many men who killed their intimate partner were not often known to the Criminal Justice System. It states:

A high proportion of men had been violent in previous relationships, but this violence was often not reported to police and few had been previously convicted of domestic violence offences¹.

Additionally the same report also highlights the dangers domestic violence perpetrators pose for children with the deaths of 60 children occurring in a domestic violence context coming under review in the period 2013-2015.

¹ NSW Government Justice, 2015NSW Domestic Violence Death Review Team: Annual Report 2013-2015, p ix, available at http://www.coroners.justice.nsw.gov.au/Documents/DVDRT_2015_Final_30102015.pdf

Given this information, NCOSS encourages the Government to build responses that recognise that offenders in community based programs and Corrective Services settings can pose a high risk to the safety of women and children —even where the data does little to show an initial or repeat offence. We understand that this current process is aiming to find ways to significantly reduce re-offending rates and as such will target a particular cohort of offenders. NCOSS supports this action while noting that significant resources are needed in a range of areas to increase the safety of women and children currently being placed at risk through domestic violence. One of these areas is the provision of community-based Men’s Behaviour Change Programs (MBCP). While the Discussion Paper notes that these programs tend to attract low-risk offenders, NCOSS notes that the data on previous convictions for domestic violence does not adequately portray the risk that those engaged in community programs pose to the safety of women and children. For this reason, NCOSS supports resources being channeled into increasing access to community based Men’s Behaviour Change Programs concurrently with increased access to targeted interventions being delivered in Corrective Service settings.

Recommendation 1

The NSW Government increase funding of perpetrator interventions to ensure supply meets demand in both Corrective Services settings and community based MBCPs.

An integrated approach

NCOSS believes that the goal to reduce reoffending rates has the best chance of success using a collaborative approach where the Not-for-Profit Sector (NFP) works closely with Corrective Services. Collaboration between sectors will ensure systems work together well, support common goals, guard against unintended consequences and capitalise on existing resources. Whatever option or options are supported as a result of this process, NCOSS encourages the NSW Government to ensure that these responses do not occur in isolation.

It is our view that linkages with existing services, a well-developed understanding of the networks and the current capacity of the service system is needed to produce successful interventions to reduce reoffending rates. For example, benefits can be derived from the teams working to deliver the CS NSW EQUIPS Domestic Abuse Program (DAP) having regular contact and sharing information with a range of services including;

- services that are supporting victims of domestic and family violence and sexual assault;
- child protection and children’s services;
- Community Legal Centres;
- Women’s Health Centres;
- Men’s Behaviour Change Program providers;
- police; and
- representatives from high-risk communities.

An integrated response can produce multiple benefits such as:

- the identification of systemic barriers and opportunities for resolution;
- a shared understanding of best practice;
- access to specialist knowledge between services and sectors;
- enhanced communication and the development of a common language;
- the capacity to work collaboratively to reduce service gaps that can impact on the safety of women and children;
- maximised referral pathways; and
- opportunities to maximize quality and consistency.

NCOSS acknowledges that frameworks for Corrective Services and the NFP Sector to work collaboratively may not exist across NSW and given both sectors are presently experiencing high demand; additional resourcing will be needed to develop a framework to enable collaboration to occur and ensure the viability of a collaborative approach.

Recommendation 2

The NSW Government funds a project to identify key stakeholders in each NSW region and develop a suitable framework through which a collaborative approach to delivering perpetrator interventions and other programs to keep victims of domestic and family violence safe can be facilitated. This project should aim to identify and capitalise on existing networks where possible.

Suitability of offenders

NCOSS agrees that perpetrators must be suitable and ready to engage in interventions. We note that there is a body of evidence to show that drug and alcohol use and mental ill health can be common among offenders.² While it may not be preferable or viable for a perpetrator to engage in Domestic Violence programs until these issues have been addressed through treatment, it is important that there is a process to reassess suitability and readiness once treatment has stabilised their condition. This could possibly be achieved by adding a step to the Magistrates Early Referral into Treatment (MERIT) program where offences are related to domestic violence or by linking this process to other existing programs.

² See for instance, NSW Government Justice, 2015NSW Domestic Violence Death Review Team: Annual Report 2013-2015, p x.

Recommendation 3

That the NSW Government develops a process to reassess suitability and readiness for a domestic violence offender to undertake domestic violence intervention programs once treatment has stabilised any existing drug and alcohol and/or mental health conditions.

The collection of data to monitor participation and completion rates of people who have also been treated for serious substance abuse or mental health conditions will give an indication as to whether staging of interventions works or there is a need for a specialised programs that can address some of these issues concurrently.³

Recommendation 4

That the quantitative indicators being used to evaluate intervention models includes the collection of data on the numbers of offenders that have participated in and completed treatment for mental health conditions and serious substance abuse, prior to engaging in domestic violence offender interventions.

Responding to perpetrator capacity and diversity

It is also important that a range of interventions are available in order to take account of perpetrator's capacity. This may mean specialist programs that particularly target domestic violence offences will be needed to respond to low literacy; intellectual disability and cognitive impairments. NCOSS understands that Men's Behavior Change programs delivered in the community offer individual programs and one-on-one counselling as a way to tailor programs to perpetrators with levels of capacity that are not best suited to group learning. NCOSS is also aware that the Self-Regulation Program for Violent Offending (SRP-VO) is available to people with intellectual disability and cognitive impairment but is limited to offenders with a sentence of two years or more.⁴

NCOSS recommends that collaboration between experts in cognitive disability and low levels of literacy and current providers of Men's Behaviour Change Programs, in the community and Corrective Service settings, would be beneficial in developing tailor-made domestic violence responses with the aim of reducing recidivism in this cohort of perpetrators and including those who have received sentences of less than two years. This collaboration could also assess how outreach and maintenance responses, such as those included in the Sex and Violent Offender Therapeutic Programs (SVOTP), could be integrated to provide ongoing support.

NCOSS supports efforts being made to ensure that the system can respond effectively to cultural and linguistic diversity among perpetrators and urges further investigation of collaborations to produce targeted interventions based on evidence-based best practice and cultural expertise.

³ Communicare in Western Australia offers an Alcohol and other drugs/ domestic violence prevention and intervention program which is referred to later in this submission.

⁴ Australian National Research Organisation for Women's Safety (ANROWS) 2015, Perpetrator Interventions in Australian Part 2: Perpetrator Pathways and mapping, p 9, available at [http://media.aomx.com/anrows.org.au/s3fs-public/Landscapes%20Perpetrators%20Part%20TWO_rotated%20\(1\).pdf](http://media.aomx.com/anrows.org.au/s3fs-public/Landscapes%20Perpetrators%20Part%20TWO_rotated%20(1).pdf)

Recommendation 5

That the NSW Government resource collaboration between experts in cognitive disability and low levels of literacy; and current providers of Men's Behaviour Change Programs in the community and Corrective Service settings to develop tailor-made domestic violence responses with the aim of reducing recidivism in this cohort of perpetrators and including those who have received sentences of less than two years.

Recommendation 6

That the NSW Government undertake a targeted consultation to assess whether the system can respond effectively to cultural and linguistic diversity among high risk offenders and where gaps are identified, interventions based on evidence-based best practice and cultural expertise are developed to respond.

What are the potential points at which interventions could occur with higher risk offenders to encourage them towards behavior change and reduce re-offending?

NCOSS supports early intervention and prevention with regards to stemming incidences of domestic and family violence and sexual assault. The ambitious target to reduce domestic violence reoffending rates by 2019 will mean responses delivered in the community and Corrective Services settings will need to be adequately resourced and funding to bring programs to scale will need to be injected quickly to ensure supply can meet demand within the data collection period. Recent ANROWS research acknowledges the struggle all Australian jurisdictions experience in meeting demand for perpetrator interventions in rural and regional areas.⁵ NCROSS recommends that sufficient resourcing is targeted at meeting demand in rural and regional areas—especially where high rates of domestic violence offences have been recorded.⁶

NCOSS is very clear that the need to act quickly must not come at the cost of quality and it is important the all interventions must meet the Minimum Standards for Men's Behaviour Change Programs.

Recommendation 7

That the NSW Government invests in meeting the demand for perpetrator interventions in rural and regional areas of NSW where evidence shows high concentrations of domestic violence related assaults.

Recommendation 8

All interventions introduced or funded as a result of this process must meet the Minimum Standards for Men's Behaviour Change Programs.

⁵ Ibid, p 5.

⁶ BOSCAR NSW Recorded Crime Statistics, 2014-2015, Recorded domestic violence related assault incidents by Local Government Area, available at http://www.bocsar.nsw.gov.au/Pages/bocsar_pages/Domestic-Violence.aspx

NCOSS supports perpetrators being linked with interventions as early as possible and believes that the time when the ADVO is made presents a key opportunity for intervention. NCOSS members acknowledge that perpetrators need to be deemed suitable to enter a behavior change program in order for it to succeed. While referral to a behaviour change program may not be optimal for some perpetrators at this time, a mandated assessment process would be useful to channel the perpetrator into the most appropriate response through a referral process which may include one-on-one counselling, parenting courses or other programs. These referrals could encourage readiness for more targeted domestic violence interventions upon completion. Where a breach of the ADVO occurs, take up of this referral should be mandatory.

Recommendation 9

That ADVO defendants are sent for a mandatory assessment to determine the most appropriate response on the basis of eligibility and suitability for intervention programs and provide a relevant referral. Where an ADVO breach occurs, take up of this referral should be mandatory.

What innovative initiatives could be considered for higher risk offenders to reduce domestic violence re-offending?

Current accepted practice is that women and children who are the victims of domestic violence are expected to run and hide from perpetrators. NCOSS supports the provision of residential behavior change programs to provide alternative to removing women and children from their home. One such initiative is operating successfully in Western Australia. Communicare's Breathing Space Program is a residential men's behavior change program that offers three months accommodation for men within a therapeutic community set up to assist men address their issues. Individual counselling is part of the program as well as group work. Group work programs include DV education, Anger and Aggression and Parenting. Communicare also offers a co-morbid Alcohol and Other Drugs/Domestic Violence (AOD/DV) Prevention and Intervention Program to those who are attending Breathing Space and have recognized issues with Alcohol and other drugs.⁷

Breathing Space also provides referrals to other Communicare programs that offer support to partners, ex-partners and family members through the provision of information about victim's services, referrals to specialist counselling and safety planning.⁸ NCOSS understands that the three month Breathing Space program can be delivered for approximately \$12,000 per person or approximately \$134 per day in its current form and location. This compares favourably with the \$239.64 per day recognised as the net cost of a prisoner per day in NSW for 2013-14.⁹

⁷ Communicare, 2016, Accommodation Services (webpage) available at <https://www.communicare.org.au/Accommodation-Services/communicare-breathing-space.html>

⁸ Communicare 2015, Annual Report 2014- 2015, available at <http://www.communicare.org.au/index.php/About-Communicare/publications.html>

⁹ Productivity Commission, 2015, Report on Government Services, Chapter 8 Volume C, Attachment Tables. 8A Corrective Services, Net recurrent expenditure, per prisoner, per day 2013-2014 (a) available at <http://www.pc.gov.au/research/ongoing/report-on-government-services/2015/justice/corrective-services>