



An tSeirbhís Phromhaidh
The Probation Service

Domestic Violence

Probation Service: Policy and Practice
Guidelines 2009

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Foreword:

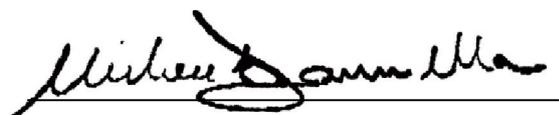
I welcome the publication of this important Probation Policy document at a time when domestic violence continues to be a very real concern on the wider political and social agenda.

These guidelines reflect the commitment of the Service to enhance and further develop its capacity and practice to intervene effectively with domestic violence offending. I believe that this comprehensive and “best practice” based framework will serve to heighten awareness of the seriousness and complexity of this type of offending and will increase staff competence in their engagement with the process.

Domestic violence is a sensitive subject, which demands that we all examine our values, attitudes and beliefs. The Probation Service recognises and should at all times be mindful of the fact that domestic violence may directly or indirectly affect its own staff. When any such difficulties emerge the response should be timely, supportive and sensitive to both the professional and personal needs of the worker.

I expect that all staff will familiarise themselves with the content of this document and will commit to its full implementation. For my part, I will ensure that training is available to promote the learning and develop the skills necessary for the appropriate implementation of this policy and practice guidelines. In addition to formal training it is critical that this document forms part of the ongoing professional discussion that takes place in team meetings and within the individual supervision context.

I wish to express appreciation to the members of the steering group. In addition to bringing their expertise to this task they have also participated actively in regional fora as part of the coordinated /partnership approach between the public and voluntary sectors.

A handwritten signature in black ink, appearing to read "Michael Gannella", written over a horizontal line.

Director

September 2009

SECTION 1: INTRODUCTION AND OVERVIEW

1.1 Domestic Violence Defined:

“Domestic violence is the use of physical or emotional force or threat of physical force, including sexual violence, in close adult relationships. This includes violence perpetrated by spouse, partner, son, daughter or any other person who is a close blood relation to the victim”. Elder abuse is now recognised as a distinct grouping within that overall category.

(Report of the Task Force on Violence against Women 1997)

This comprehensive Task Force definition of Domestic Violence is generally accepted as the standard definition in use in Ireland today. The Probation Service recognises that domestic violence affects both men and women. However it is acknowledged, from evidence both nationally and internationally, that the majority of victims are women. In view of this evidence this document focuses primarily on a domestic violence context where the perpetrator is male and the victim is female. Nevertheless, many of the good practices outlined in this document in relation to victims will apply both to female and male victims. For information on the emerging body of knowledge on male victims of domestic violence please refer to Appendix I.

1.2 Introduction:

In the past thirty years there has been an incremental improvement in the provision of services to victims of domestic violence, as well as advances in legislative protections. Nationally, the publishing of the seminal work on the prevalence and nature of domestic violence, “Making the Links” (Kelleher and Associates & O’Connor 1995) has been a catalyst for change. This publication was followed by the setting up of the Task Force on Violence against Women in 1996 and the subsequent establishment of the National Steering Committee on violence against women and regional and local structures to address this issue. In 2002 the Sexual Abuse and Violence in Ireland survey (SAVI) and the National Crime Council Survey (2005) provided further evidence that there was no room for complacency and reminded us

that domestic violence continues to be a pervasive and widely experienced crime within our society.

Prior to 1976 the only protection for women experiencing domestic violence was the Offences against the Person Act, which dated from 1861. However, in 1976 the Family Law (Maintenance of Spouses and Children) Act began the process of addressing the gap in Irish legislation. The 1976 Act provided, for the first time, the civil law remedy of the barring order. In 1981 the Family Law (Protection of Spouses and Children) Act sought to fill some of the gaps identified in the previous legislation and the legislative protections were further enhanced by the 1996 Domestic Violence Act.

In addition to legislative responses a myriad of other policy and practice developments needed to be put in place to address the serious and complex issue of domestic violence. Particularly it was recognised that it was necessary to co-ordinate a “whole of Government” response to domestic violence. To this end a National Office for the prevention of domestic, sexual and gender-based violence was established in 2007 under the aegis of the Department of Justice, Equality and Law Reform. This National Office, Cosc, co-ordinates the Government response to domestic violence across the various government departments and supports agencies that provide a service to victims or work with perpetrators.

1.3 Incidence

It is important to be aware of the scale and nature of domestic violence and the effects on victims. In their study "Domestic Abuse of Women and Men in Ireland" (2005) Watson and Parsons report that 15% of women and 6% of men experience severe abuse from an intimate partner. Other findings from the aforementioned report in relation to prevalence were: over half of those severely abused have been physically injured; women are more likely to be injured because they are more likely to be seriously abused; gender differences in rate of injury among those seriously abused are not significant, but there is a significant gender difference in the seriousness of injury, with women more likely to receive injuries that require medical treatment.

In 2007, Women’s Aid responded to 12,629 requests for support on line from victims (Women’s Aid Statistics 2007). The incidents of abuse varied from emotional abuse at one end of the spectrum to sexual abuse at the other end. It is important to note that

where there is a dynamic of control and abuse in an intimate relationship the likelihood of sexual coercion is high. In the Women' Aid Report, the 593 reported incidents of sexual abuse included 248 incidents of rape. Domestic (or partner) homicide, the killing by a current or former spouse, cohabitant or sexual partner makes up a significant proportion of homicides in Ireland.

The Irish College of General Practitioners reported that 48% of women murdered in Ireland were killed by a partner or ex partner (Kenny and Riain, 2008).

1.4 Domestic Violence in the Probation Context:

The Probation Service is an agency within the Department of Justice, Equality and Law Reform and is the lead agency in the assessment and management of offenders in our communities.

“OUR PURPOSE IS TO: Increase community safety and prevent victimization by motivating, challenging and supporting offenders in leading a crime free life.”

(Service Strategy Statement 2008-2010)

Domestic violence can include a number of different behaviours, and there is no single offence of ‘domestic violence’. Not all forms of domestic violence are illegal; some forms of emotional abuse, for example are not defined as criminal –though these can also have a serious and long lasting impact on the victim’s well being and autonomy. However, many kinds of domestic violence constitute a criminal offence, including physical assault, wounding and threats to kill, rape, harassment, stalking and breach of a barring or protection order.

Domestic violence is behaviour which is harmful to individuals, to families and to the wider community. The Probation Service is committed to developing and implementing a range of best practice interventions to reduce reoffending and promote victim safety.

1.5 Aim of the Policy Document

It is the aim of this policy to inform and guide probation practice in working with the perpetrators of domestic violence. This will be achieved by providing agreed “Protocols for Practice” in relation to the assessment and management of perpetrators of domestic violence in the community. The protocols will have the dual functions of

ensuring that perpetrators are held accountable and have the opportunity to change their abusive/violent behaviours and that victims are safeguarded. In addition, the policy document will increase the understanding and capacity of all probation staff to intervene appropriately when the issue of domestic violence arises in all aspects of working with service users.

SECTION 2: PRINCIPLES

The Service is committed to the following principles in its work with the victims and perpetrators of domestic violence:

1. The safety of victims and children will be the primary underlying principle guiding policy and practice in this area.
2. Domestic violence is harmful behaviour. The aim of the probation service is to minimise the occurrence of domestic violence by working with perpetrators and holding them accountable for their behaviour.
3. Consultation and intervention with male perpetrators of domestic violence will be undertaken in a respectful fashion, but will operate within a policy of limited confidentiality to ensure that the safety of the victim is upheld.
4. Those who are working with perpetrators of domestic violence should have appropriate knowledge of the dynamics underpinning violence in the home and specific training in approved programme delivery in this area.
5. The Probation Service recognises the importance of working in partnership with other statutory and non governmental organisations in order to provide a co-ordinated and comprehensive response to the complex problem of domestic abuse.
6. The Probation Service will only engage with perpetrator programmes which adhere to the core principles as set out in the Report of The Task Force on Violence against Women (1997).

SECTION 3: GUIDELINES FOR PREPARATION OF PRE-SANCTION REPORTS ON OFFENCES INVOLVING DOMESTIC VIOLENCE

3.1 Service Policy on Pre-sanction Reports

3.1 These guidelines are to be read in conjunction with the Service document '*The Probation Service Practice for Preparation of Pre-sanction Reports (1999)*'.

3.1.2 The structure and format of the Pre-sanction report will follow the guidelines outlined in the *Probation Service Practice for Preparation of Pre-sanction Reports (1999)* as follows:

Offence Analysis

Victim Issues

Personal and Social Circumstances,

Conclusion/Proposal to Court

In 2007 the number of referrals from the Courts for reports on domestic offences breach of a barring or protection order, assault of a spouse or a partner was 1.19% of all referrals made from the Courts for pre- sanction reports.

3.1.4 The perpetrator should be made aware of the limits to confidentiality which applies to all reports.

3.2 Victim Safety

3.2.1 In the preparation of pre-sanction reports the protection and security of victims should be paramount. Domestic violence should be treated no less seriously than any other form of violence. Domestic violence is a pattern of abuse and never an isolated incident. It is an offence that can escalate in seriousness and can involve repeated victimisation. Service reports to the courts will address victim safety and public safety and make proposals consistent with these principles.

3.3 Service Reports - on persons whose index offence is linked to domestic violence.

In allocating a request for a pre-sanction report on a domestic violence case the Senior Probation Officer (SPO) will outline the following expectations:

- Pre-sanction reports (PSR's) will follow the format and guidance contained in the '*Probation Service Practice for Preparation of Pre-sanction Reports*' (1999).
- All reports will be reviewed by the senior probation officer (SPO) in the interest of victim safety and good practice.
- The option of the probation officer meeting with the victim will be considered, with due regard for the implications of such a meeting for victim safety.
- The probation officer will have up to date information on local services and provide same to victims.
- The initial assessment will, where possible, be completed at an office location as safety oriented practice is crucial in any circumstances where domestic violence may be an issue.
- Consideration will be given to the risk of collusion and a range of options such as co-working, will be used to avoid collusion.

3.4 Tasks for the Probation Officer - prior to meeting the offender

The probation officer will:

- Review the statement of facts in the case, all court documents and other relevant reports and sources of information in all domestic violence cases.
- Access criminal records in all cases.
- Liaise with the prosecuting Garda during the period of adjournment. This is a requirement in all cases. In communications with the prosecuting Garda the probation officer will always strive to clarify and agree how shared information will be managed, whether in the report to court or in the interviews with the victim and the perpetrator. Information will also be sought in relation to the number of previous call-outs to the house where the victim resides.
- Where the prosecuting Garda or Station Sergeant does not respond to the Probation Service requests for information, contact should be made with the relevant Divisional Inspector with responsibility for Domestic Violence.

Contact with the Inspector will take place as a final step when all other avenues have been exhausted. The Divisional Inspectors for Domestic Violence have been informed that probation officers will make contact with them in the circumstances outlined above. The Divisional Inspector will facilitate contact between the local garda and the report writer.

3.5 Contact with Victim(s) and Victim issues

The probation officer will:

- Contact the prosecuting garda in order to help to identify if it is safe for the victim to be interviewed by the Service.
- Having established that it is safe to do so, contact the victim by phone or by letter inviting the victim to meet with the probation officer at a venue of their choosing. There is a sample letter that could be sent to victims in Appendix 2.
- Where it is not safe or appropriate to make contact with the victim, work closely with the investigating garda who can assist with the relevant information and with linking the victim to services.
- Where contact is made by the probation officer with the victim, inform the perpetrator that "it is Service practice to establish contact with the victim and, together with the police and voluntary sector organisations, to offer ongoing support and assistance to all victims of domestic violence."
- Provide information and make secure referrals to support services in the locality, if the victim agrees. It is not sufficient to simply provide information to the victim about support services in the locality. As most services will only accept self referrals from the victim there should be a practical demonstration of support and advocacy to support the victim to achieve the desired outcome of access to services. The latter can be achieved by strategies such as making supportive telephone calls and accompanying the victim to the location of the Service.

3.6 Interviewing the Victim

In interviewing the victim the following practices and procedures will apply:

- The probation officer will be aware that there is a separate guideline for victim impact reports which does not apply in this situation.

- Interviews with the victim should take place at a location mutually agreed between the victim and probation officer.
- The perpetrator and victim should be interviewed separately. Victims of domestic violence cannot talk freely when abusers are present.
- The role of the probation officer should be explained to the victim in the first instance.
- The information in the PSR and the concluding proposals should put forward a course of action which fully takes into account victim's safety, if possible in consultation with the victim. Interviews with victims should always contain a discussion on safety.
- In order to keep the victim safe, information given by the victim should not be directly quoted in the report but rather used to give a better understanding of the perpetrator's offending behaviour. There should be dialogue with the victim about what can and cannot be used in the report and feedback should be given to the victim about what will be said in the report.
- It is important to explain that all information disclosed will be treated sensitively and with respect but that the probation officer has a duty to share information that raises a child protection concern.
- In the interest of victim safety, the probation officer should share the contents of the risk assessment in the report with the victim in a sensitive and supportive manner.
- In order to keep the victim safe the probation officer should not tell the offender any information the victim has given to the report writer.
- The probation officer should assess the risk of retaliation and of continued abuse.
- Where a victim discloses a further assault, the victim should be encouraged to report the matter to the investigating Garda as it is an offence. Where there is information about imminent danger to the victim the probation officer, in consultation with the senior probation officer and the victim, should liaise with the Gardai.
- For clarity of role it is important that the probation officer does not adopt a caseworker role with the victim. Victims of domestic violence need specialised services which can address their need for support, understanding, safety planning, safety and refuge and help for their children. See Appendix 3 for a List of Useful Contacts.

- Where the victim is not linked into supportive Women's Services or other services the victim should be actively helped to access a nominated service and be encouraged to maintain close contact with the Gardai.
- It should not be assumed that the problem is resolved because the perpetrator no longer lives in the same place as the victim. A female victim is at greatest risk in the period following separation. The victim's predictions of their safety are the single best indicators of whether or not they are likely to be re-assaulted. (Gondolf, 2002).
- It is important to be aware that, on average, a woman will be assaulted by her partner or ex-partner 35 times before reporting it to the authorities. (Yearnshire, 2007)

3.7 Children and Child Protection

3.7.1 Staff should be aware that research has shown that domestic violence has a significant effect on children and that there is a high cross over between domestic violence and sexual abuse of children.

3.7.2 Staff should at all times be mindful of their reporting responsibilities in line with National Guidelines for the Protection and Welfare of children (Children First) and The Probation Service "*Procedures manual for Reporting of Child Abuse*". If a probation officer has reason to believe that a child/children are at risk within / arising from a domestic violence context the following should apply:

- The Health Service Executive's 'Standard Notification Form' for reporting concerns of a child protection/child welfare nature should be completed and forwarded to the relevant duty social worker.
- Given the complexity of domestic violence cases it is advised that the probation officer would also contact the Duty Social Worker by phone. This allows the probation officer the opportunity to highlight particular aspects of the case and to ascertain if other Health Service agencies are involved with the family. Such services, for example, Family Support Workers might be well placed to monitor/ respond to child protection issues.
- If there is evidence that the child/children is being subjected to serious abuse the matter should be reported to the Health Service Executive and the Gardai notified.
- All reporting is based on the understanding that the perpetrator and victim, if appropriate, are advised of the intended actions by the probation officer.

3.8 Risk Assessment

3.8.1 In discussing the offence, victim issues, social/ personal circumstances and the proposal to court with the offender the probation officer will have knowledge of the risk factors for domestic violence as outlined in Appendix 4 and will, if they have received training, apply the Service approved risk assessment tool for domestic violence, the Spousal Assault Risk Assessment (SARA) (Kropp, Hart, Webster & Eaves, 1995).

3.8.2 The probation officer will focus on all the risk factors but note in particular the offenders attitude to the victim, the level of awareness of the impact of the crime upon the victim, the degree of remorse and the victims perception of risk (if available).

3.8.3 The presence of risk factors which are predictive of further offending and the need to manage such risks should be shared with the offender. The risk assessment will help to identify the level of risk and the level of intervention required where a community disposal is considered appropriate.

3.9 Proposals to Court

3.9.1 The safety of the victim and the assessment and management of risk need to be key considerations in the conclusion/proposal of the report.

3.9.2 Offenders will be at varying levels of motivation to address their offending from outright denial to acceptance of the need for behaviour change. Where offenders are deemed at medium or high risk of re-offending and are in outright denial they are unlikely to be considered suitable for supervision in the community.

3.9.3 Where perpetrators are assessed as being at risk of re-offending and acknowledge their offending and have sufficient degree of motivation to engage in a treatment programme, consideration should be given to referral to a perpetrator programme where available. The purpose of referral is to assess suitability for the perpetrator programme as a pre-condition of a community sanction. A list of perpetrator programmes is outlined in Appendix 5.

3.9.4 Where there is a high risk of further acts of domestic violence a community disposal should only be considered if there is motivation to change and evidence of suitability for an approved domestic violence programme. On- going adjournments may be required for assessment for suitability for appropriate interventions.

3.9.5 Where a perpetrator programme is not available and offenders are assessed as low or medium risk of re-offending and are motivated to address their offending behaviour, consideration should be given to probation supervision using one –to – one interventions with the perpetrator. Any interventions should be in line with best practice in working with perpetrators of domestic violence. The focus of all interventions should be the prevention of revictimisation, re-offending and victim safety in line with best practice in working with perpetrators of domestic violence.

3.9.6 Where a referral is made to a perpetrator group work programme, an agreed communication strategy and protocols with the programme facilitators needs to be put in place.

3.9.7 Where a community sanction is being proposed it is important both in terms of victim safety and positive rehabilitative outcomes to keep the matter before court (Dobash et al, 2000). On- going court appearances can act both as a further deterrent to the perpetrator and as an added safety measure for the victim. Thus, the proposal should be for adjourned supervision with liberty to re-enter or a probation bond with periodic reviews and liberty to re-enter, because a quick response to non-compliance is essential to victim safety and effective management of the case. Liberty to re-enter in the District court can be expedited by contacting the court clerk and the prosecuting Garda.

3.9.8 The conclusion in the report will outline the risk factors for domestic violence and the proposal to court will outline a risk management plan which takes account of victim safety.

SECTION 4: STATUTORY SUPERVISION PRACTICE GUIDELINES

These guidelines should be read in conjunction with the Probation Service document: *'Supervising the Probation Order: Policy and Procedures 2008'*.

4.1 The supervision of perpetrators of domestic violence presents many challenges because of the unique aspect of these cases, such as, the risk of re-offending, the risk of harm, the ongoing relationship of the offender with the victim and the offender's access to the victim. The effective supervision of a perpetrator is critical if the Probation Service is to meet its responsibility to reduce the likelihood of re-offending while at the same time ensuring the victim's safety. Domestic violence is harmful behaviour and can result in the death of the victim.

4.2 Domestic violence is about power and control. It is selective, controlled and intentional. It is not about loss of control, therefore anger management programmes are not appropriate. Perpetrators use the perceived "behaviour" of victims as a trigger for the abuse, using anger and violence deliberately to impose control over victim.

4.3 Domestic violence takes place in all sections of society. Its victims are often very vulnerable and may be isolated from family, friends and other sources of help. It is often considered a "private" crime, it occurs behind closed doors and the victims often find it hard to talk about or even to admit it is happening. Probation officers need to be aware that there are no religious or cultural beliefs that make domestic violence acceptable or less serious.

4.4 The Probation Service recognises that reducing levels of domestic violence depends on the effective use of the criminal justice system, effective joint working with other agencies particularly the Gardai, the HSE, voluntary sector providers, and support groups whose primary purpose is to ensure victim safety. The overriding objective in all domestic violence cases is to prevent further victimisation or re-victimisation and hold the offender accountable.

4.5 Where domestic violence is the index offence the purpose of supervision is to enforce the conditions of the court order with return to court for non compliance, either by using liberty to re-enter or breach proceedings.

4.6 If a pre-sanction report (PSR) has been prepared, the goals of supervision will have been outlined as part of the proposals in the PSR to court. The conclusion in the report will outline the risk factors for domestic violence and the proposal to court will outline a risk management plan which takes account of victim safety.

4.7 The probation officer will agree the risk management plan with the perpetrator based on the risk factors identified. This risk management plan will form the basis of the Case Management Plan (CMP). The latter will specify the supervision goals, the means of achieving them, the time frames, the expected outcomes and dates for review. The CMP will include court-mandated directions or interventions.

4.8 Supervision arrangements based primarily on level of risk will be clarified with the offender. The frequency of planned contact and level of supervision will be linked to the level of risk and clearly indicated on the file.

4.9 CMP objectives will be prioritised on two key linked but separate areas, reducing the risk re-offending by the offender and enhancing the safety of victims. Careful consideration must be given in the CMP to cases where the offender is living with the victim, or wishes to stay in the same household as the victim in the future.

4.10 Supervision plan objectives must be specific, measurable, achievable, and realistic and time framed (SMART) and most importantly shared with the offender. Consequences should also be spelt out. Objectives should specify changes looked for in the perpetrator's behaviour, attitude or circumstances. They should be framed using words that describe how the offender will think, act or live differently.

4.11 Effective risk management of the perpetrator requires ongoing inter agency co-operation.

4.12 Perpetrators of domestic violence should be considered for referral to perpetrator group work programmes preferably as a condition of the court order. If a perpetrator who has been placed on supervision is assessed as unsuitable for a

perpetrator programme or the latter is unavailable, the probation officer will manage the interventions with the perpetrator in line with best practice in working with perpetrators of domestic violence.

4.13 In some circumstances where perpetrators who are at high risk of re-offending are placed on supervision without a prior report, only control techniques can be utilised, e.g. close monitoring in co-operation with the Gardai and return to court for non-compliance with conditions. The focus in the CMP in these cases as in all cases will be on strategies to enhance the safety of the victims and reduce the risk posed by the perpetrator.

4.14 The probation officer will outline the limits to confidentiality. These limits include threats of harm to self or others, disclosures relating to child protection matters and who will have access to the offender file and in what circumstances.

4.15 If a perpetrator is placed directly on probation without a pre sanction report a risk assessment must be completed immediately and appropriate action taken to assess and manage the risk of re-offending. This may include a return to court to insert specific conditions in to the order, e.g. participation in a perpetrator group programme.

4.16 Perpetrators may present with drug/alcohol problems. These problems should not be allowed to be used as an excuse or justification for domestic violence. Where a perpetrator starts to exhibit indications of increased alcohol/drug abuse this should be included as an indicator of increased risk of re-offending in the risk assessment, which should also be updated and reflected in the CMP.

4.17 The probation officer should ensure that Child Protection Procedures are adhered to as outlined in Section 3.3.7.

4.18 The same probation officer should not supervise the victim and the perpetrator if both are independently subject to statutory supervision by the Probation Service.

4.19 The victim's perspective must be kept to the fore by the probation officer throughout supervision.

4.20 Preparation for Post Release Supervision in a Prison Context

4.20.1 These guidelines will have application to working with domestic violence perpetrators in a prison context in relation to post release planning and to post release supervision.

4.20.2 In dealing with perpetrators who have murdered, probation officers need to be aware that the majority of such offenders do very well in prison. They are often compliant and easy to manage in the community. Hence the importance of assessing the level of risk in such cases.

SECTION 5: EFFECTIVE PROGRAMMES FOR PERPETRATORS OF DOMESTIC VIOLENCE

5.1 The primary aim of working with male perpetrators of Domestic Violence is to promote the safety of women and children and to prevent any further victimization or re-victimization. This should be done in manner that is respectful and empowering of women.

5.2 Over the last number of decades there has been much debate about the effectiveness of perpetrator programmes. There appears to be growing consensus that for perpetrator programmes to be effective, a number of core features need to be present, as follows:

- A shared analysis that the problem is the man's violence and that the violence is embedded in a male sense of entitlement and authority within the context of an intimate relationship.
- An agreed acceptance that domestic violence embraces a range of aggressive and controlling behaviour including physical, sexual and psychological elements.
- Programmes need to be structured, accountable to the victim, with clear interagency protocols, and parallel women's support services. Research in the USA (Gondolf 2002) has found that 'program outcomes appear to be substantially influenced by how well the police, courts, probation, women's services and other community services all work together'. It is therefore essential that programmes are actively involved in local fora which promote coordinated community responses to domestic violence. An integrated approach is an essential component to behavioural change and measuring effectiveness.
- Group work with men needs to be co-facilitated by male and female facilitators who can model respectful, egalitarian ways of communicating and conflict resolution.
- The content of perpetrators programmes needs to include an analysis of violent incidents, an examination of male socialisation and attitudes to women, exploration of victim empathy, and the development of a range of cognitive and behavioural skills to aid the growth of respectful communication and responsibility for one's own thoughts and actions.

- An intervention programme needs to be intensive in order to effect long term attitudinal and behaviour change in violent men. Respect UK recommends that the group work contact is at least 75 hours over a minimum of 30 weeks. Change (2001) recommends six months of group work in the context of a 2 year probation order with individual follow up sessions to re-enforce programme aims.
- The commitment and the competence of the programme facilitators and managers is also significant. In order for men to be engaged in the process of change, facilitators need to communicate the possibility and desirability of the change process (Respect, 2000). According to Saunders (1997) competency involves some background knowledge and therapy skills. Background knowledge must include a high awareness of the cause of domestic violence and the impact it has on the victim. Knowledge of the many ways that offenders minimize and rationalise their behaviour is crucial.
- Clear sanctions need to operate for men who continue to behave in an abusive or violent manner during or after treatment. In this respect the court mandated programmes have added value as they can offer important safeguards to women with the men's behaviour being monitored by the criminal justice staff and system. In addition this method is likely to impact positively on the institutions which dispense justice, in terms of more timely and appropriate sanctions for violent men. The criminal justice response can highlight the unacceptability of domestic violence and may therefore also lessen public tolerance of it.

5.3 Programme effectiveness cannot be measured in isolation from the effectiveness of the system in which they operate. Programme success will depend on the ability of the system to establish co-ordinated and comprehensive community responses involving courts, police, probation, social services, women's services, reinforcing the message that violence towards women and children will not be tolerated and that, where it does occur, serious sanctions will result for the perpetrator.

5.4 Knowledge of the effectiveness of perpetrator programmes is still at an early stage with more research needed as programmes evolve. With training, monitoring, effective standards, enhanced services for women and links between programmes and the justice system the safety of women and children can be increased. For a list of Perpetrator programmes see Appendix 5.

SECTION 6: GUIDELINES FOR PROBATION PRACTICE IN CASES WHERE DOMESTIC VIOLENCE IS NOT THE INDEX OFFENCE

6.1 Introduction

Service figures in 2007 indicate that 0.85% of all cases related to offences of domestic violence. The international equivalent is in the region of 35%. It is likely in these circumstances that some offenders who have contact with the Service for a variety of offences, are also perpetrators or victims of domestic violence.

The role of the probation officer places probation staff in a position where they are likely to observe indicators of domestic violence, particularly when they are doing home visits or family work. This provides probation officers with a unique opportunity to intervene with a view to interrupting, possibly established, patterns of abuse. Any response however requires staff to be sensitive and alert to the dynamics of domestic violence and competent in implementing appropriate interventions.

Four possible scenarios where probation staff are likely to encounter issues of domestic violence are:

1. Self disclosure of acts of domestic violence by an offender.
2. Self disclosure by offender of victimisation through domestic violence.
3. Disclosure by a victim whose partner is engaging with the Probation Service.
4. Observation by the probation officer of dynamics/behaviours within the supervision context which are indicative of domestic violence.

6.2 Guidelines for Practice

The following guidelines will help to inform practice in the scenarios outlined above . Please note that these guidelines are for use in conjunction with discussion and support from line managers.

6.2.1 Self disclosure of domestic violence offending by offender:

Where there is self disclosure of domestic violence offending by an offender the probation officer should do the following:

- Clarify with the offender the levels, patterns and prevalence of violence.
- Explore offenders understanding of victim's position and the motivation for disclosure at this time.
- Inform the offender that contact will be made with the victim to ensure that she has all information in relation to services and supports (e.g. local women's services, refuges, support groups, the Garda Síochána).
- Advise the senior probation officer of the details of the case and review the levels of risk posed to victim/ children in order to agree any reporting requirements to Garda Síochána or Health Service.
- Agree the intervention plan with the offender, if appropriate, which gives the offender access to models for change but is at all times mindful of the duty of care to the victim or potential victims.
- Review the case at monthly intervals with the senior probation officer.

6.2.2 Self disclosure by Offender of victimisation:

Where there is self disclosure by the offender of victimisation the probation officer should do the following:

- Ask direct questions about the victim's experience of violence.
- Ascertain any existing supports both within the family and with relevant agencies.
- Explore options open to the victim at this time which would include safety planning (refer to appendix 6).
- Provide information on both statutory and voluntary support services.
- Review work undertaken with the senior probation officer and clarify the need for ongoing support or advocacy work with the victim.

6.2.3. Disclosure of victimisation by the offender's partner:

Where there is self disclosure of victimisation by the offender's partner the probation officer should:

- Outline the limits of confidentiality with due regard to service guidelines in relation to the reporting of child abuse.
- Be clear that the information disclosed will not be shared with the offender.
- Ask direct questions about the victim's experience of violence.
- Ascertain any existing supports both within the family and with relevant agencies.
- Explore options open to the victim at this time which would include safety planning. There is a copy of a safety plan which can be shared or given to the victim in Appendix 6.
- Provide information on both statutory and voluntary support services.
- Review the work undertaken with the line manager and clarify the need for support or advocacy work with the victim.

6.2.4. Observation by the probation officer of dynamics of domestic violence within the overall supervision context:

Where there is observation by the probation officer of dynamics of domestic violence within the overall supervision context the probation officer should:

- Seek out an opportunity to make contact with the victim on their own. It is important to plan how to make contact with the victim (e.g. consider contact with the Garda Síochána and relevant services).
- Let the victim know what you have observed (e.g. "I noticed that you had bruises/ that you seemed afraid/upset etc"). It is important to point out the prevalence of domestic violence so that the victim does not feel singled out by your expression of concern.
- If the person declines to disclose or denies that the abuse is taking place, accept this. A possible formula of words in this situation might be "I'm glad that you are ok. I thought it was important to check with you as domestic violence is so common and affects so many persons. I have a lot of information about where help and support can be accessed if you know of anybody who might need it in the future".

- If the victim acknowledges that abuse is taking place outline the limits of confidentiality with due regard to Service guidelines in relation to the reporting of child abuse. It is good practice to:
 - Clarify that the information disclosed will not be shared with the offender.
 - Ask direct questions about the victim's experience of violence.
 - Ascertain any existing supports both within the family and with relevant agencies.
 - Explore options open to the victim at this time which would include safety planning (refer to Appendix 6).
 - Provide information on both statutory and voluntary support services.
 - Review work undertaken with the senior probation officer and clarify the need for ongoing support or advocacy work with the victim.

Please note that it is important not to hold joint interviews with the victim and alleged perpetrator as to do so might compromise the safety of the victim.

Appendix 1 - Male Victims of Domestic Violence

The question of the extent to which men are subjected to domestic violence is an emerging issue which is currently being examined by researchers. There are a number of studies which indicate that domestic violence is perpetrated by men against women over 90% of the time. There are a number of studies, both nationally and internationally, which indicate that women and men are both victims and perpetrators of domestic violence in relatively equal numbers.

The studies which indicate symmetry between the sexes are mostly general population, gender neutral studies which use a tool called the Control Tactics Scale (CTS) and they emanate from a distinct approach to researching domestic abuse known as the Family Conflict approach (Watson and Parsons, 2005). The efficacy of using CTS has been challenged as, it is argued, it is limited to capturing the types of behaviour people engage in at times of conflict and it does not elicit information about the context, consequence or meaning of the behaviour described (Taft, Hegarty and Flood 2001, Watson *et al* 2005, Martin 2007).

Studies that emanate from the Violence against Women approach to researching domestic violence indicate that women are both more likely to be victims of domestic violence than men and are much more likely to be injured or severely affected.

These two different approaches to researching domestic violence are informed by different conceptualisations of domestic violence and different ideologies. Methodological differences in the operation of research from the two traditions will continue to produce different data in relation to domestic violence.

Crime surveys represent a third approach to researching domestic violence. They collect information from nationally representative samples about the experience of domestic violence and they argue that “the meaning and impact of the acts is at least

implicitly defined by the research context” (Watson *et al* 2005 pg. 33). The 2001 British Crime Survey (Walby and Allen, 2004) informs us that one in six men will be victims of domestic violence in their lifetime.

In the Irish context, the National Crime Council, in association with the Economic and Social Research Institute, conducted the first ever large scale study that sought to give a picture of the nature, extent and impact of domestic violence on both women and men. Some of the key findings of this study are as follows:

- 15% of women and 6% of men have experienced severely abusive behaviour from a partner
- The study suggested that approximately 213,000 women and 88,000 men in Ireland have been severely abused by a partner at some point in their lives
- 29% of women and 26% of men suffer domestic violence when severe and minor incidents are combined
- 13% of women and 13% of men suffer physical abuse or minor physical incidents.
- 29% of women report to the Gardai while the corresponding figure for men is only 5%

(Watson *et al*, 2005)

Whilst recognising the different methodologies and ideologies it is clear that both men and women may be victims, albeit in different proportions. It is the duty of the Probation Service to ensure that it responds appropriately and sensitively to all who are victims of domestic violence, irrespective of their gender.

In working with male victims of domestic violence Probation officers should be aware of the following:

- Legislation in relation to domestic violence is gender neutral and all victims of domestic violence are afforded the same legislative protections.
- While there are some similarities in how men and women experience domestic violence there are also some differences. Men, for example, are less likely to require medical attention for injuries sustained (for a fuller discussion see Watson *et al* 2005, Chapter 2). However, both men and women experience adverse mental and physical health as a result of domestic violence, including increased risk of current poor health, depressive symptoms, substance abuse, chronic mental illness and injury. (Coker, Davis, Arias, Desai, Sanderson, Brandt 2002)

Ÿ Only 5% of men who experience domestic violence report it to the Gardai (Watson *et al* 2005).

Ÿ There are no specialist services for male victims of domestic violence in Ireland with the exception of Amen, which provides a telephone support service for men and court accompaniment in this situation. For contact details see Appendix 3.

The Probation Service works predominately with men and it is important that its staff remain alert to the possibility that some of them may be experiencing domestic violence. While the debate about the extent to which men are victims of domestic violence has not reached a definitive conclusion it is clear and unequivocal that, irrespective of the sex of the victim, a person experiencing domestic violence is entitled to good quality services, to be believed and to ongoing support.

Appendix 2 -Sample Letter for Victim

Date: xxxxxxxxxxxxxxxx

Address:

Dear

At (state Court) Court on the (date), the presiding Judge adjourned the case of (Offender), to (next Court date). The Judge asked the Probation Service to prepare a Report. I would like to meet with you to discuss the matter of the Report to Court.

While you do not have to take part in this process, I would be happy to meet with you To explain what is involved. I am suggesting that we could meet on: (or hope to Phone you on:)

(State day, date, time and location).

If you would prefer that I would meet you at another location, you can contact me on (Mobile phone number of Probation Officer).

Looking forward to hearing from you.

Yours sincerely,

(Name of Officer)

Probation Officer

Appendix 3 – Useful Contacts

National /Free phone Contacts			
Women's Aid	47 Old Cabra Road Dublin 7	Free phone 1800 341900 (10am-10pm, 7 days)	www.womensaid.ie
National Network of Women's Refuges and Support Services	27 Church Street Athlone Co Westmeath	Telephone (090) 6479078 (office hours)	www.nnwrss.ie
Dublin Rape Crisis Centre (provide services for women and men)	70 Leeson Street Lwr Dublin 2	Free phone 1800 778888 (24 hours, 7 days) Telephone (01) 6614911	www.drcc.ie
Rape Crisis Network Ireland	The Halls Quay Street Galway	Telephone (091)563676 (office hours)	www.rcni.ie
FLAC (Free Legal Aid Centres)		Telephone (01) 6794239	
Sexual Assault Treatment Unit	Rotunda Hospital Dublin 1	Telephone (01)8730700 (24 hours, 7 days)	
Women's Therapy Council (provide a therapeutic service payment on a sis on a sliding	3 Burgh Quay, Dublin	Tel: 01 6339506	
AMEN (supports male victims of domestic abuse)	St Anne's Resource Centre Railway St Navan Meath	Telephone (046)9023718	
Childline		Free phone 1800 666666 (24 hours, 7 days)	
Samaritans		Free phone 1850 609090	
National Counselling Service (HSE-funded free counselling for adults>18yrs who have experienced any form of childhood abuse)		Free phone 1800 235235 (office hours)	
Legal Aid Board			www.legalaidboard.ie
Language Interpretation Services (Provided by HSE Primary care unit to GMS-contracted General Practitioners)		Telephone(01) 4609667	
Health in Practice Programme (support for GPs and practice staff)		Telephone (01)6763705 (office hours)	http://www.icgp.ie/hip

National /Free phone Contacts

Senior Helpline:	Third Age Centre, Summerhill, Co. Meath.	Tel: (01) 8371151	
ACCORD: (50 Branches throughout the country)		Tel: (01) 8780255	
Pavee Point:		Tel: (01) 2959344/45	
Disability Federation of Ireland		Tel: Dublin (01) 8730042 Ennis (065) 6822026	
The Irish Refugee Council		Tel: 1850 440 444	

Local Contacts

There are many useful services at a local level which vary according to region and are too numerous to list here. However, they are listed on the Cosc website at www.cosc.ie . Simply click on to National and Local Services on the homepage and your county will be listed, click on it to obtain details of local services. Alternatively you can access information on the HSE website at www.hse.ie by entering “domestic violence” in the search box on the homepage.

Appendix 4. General Risk Indicators taken from Research

Risk factors	Nature of Risk
1. Part assault of family members	Static
2. Past assault of strangers or acquaintances	Static
3. Past violations of conditional release or community supervision	Static
4. Recent relationship problems	Dynamic
5. Recent employment problems	Dynamic
6. Victim of and/or witness to family violence as a child or adolescent	Static / Dynamic
7. Recent substance Abuse/Dependence	Dynamic
8. Recent Suicidal or Homicidal Ideation/Intent	Dynamic
9. Recent psychotic and/or manic symptoms	Dynamic
10. Personality Disorder with anger, impulsivity or behavioural instability	Static / Dynamic
11. Past Physical Assault	Static
12. Past sexual assault / sexual jealousy	Static/Dynamic
13. Past use of weapons and/or credible threats of death	Static
14. recent escalation in frequency or severity of assault	Dynamic
15. Past violation of 'No Contact' Orders	Static
16. Extreme minimisation or denial of spousal assault history	Dynamic
17. Attitudes that support or condone spousal assault	Dynamic
18. Severe and/or sexual assault (current or most recent offence)	Static
19. Use of weapons and/or credible threats of death (current or most recent offences)	Static
20. Violation of 'No-Contact' Orders (current or most recent offences)	Static

Source : Kropp, P. R., Hart, S. D. Webster C.D. &Eaves D. (1995)

Appendix 5 - List of Perpetrator Programmes

Contact Information - Perpetrator Programmes

North East Domestic Violence Intervention Programme (NEDVIP)

C/o Probation Service
Government Buildings
Millennium Centre
St Alphonsos Road
Dundalk
Co. Louth
Tel: 042 9370900
E-Mail nedvip@eircom.net

South East Domestic Violence Intervention Programme (SEVIP)

John Doyle Co-ordinator SEVIP
Email: john@mens-network.net
Tel: 051- 844260

or

Michael Dillon Administrator SEVIP
Email: mdil@mens-network.net
Tel: 051-844261

Postal Address
SEVIP
C/O The Men's Development Network, 30 O'Connell Street, Waterford

Contact MOVE

National Office:

MOVE (Ireland)

Unit 2, First Floor, Clare Road Business Mall, Clare Road, MOVE Ennis, County
Clare

Tel: 065 684 8689

Fax: 065 684 3010

Email: move@moveireland.ie

MOVE Cork

Grattan House, Grattan Street, Cork

Tel: 086 069 1834

Mob: 086 172 1593

MOVE Limerick

P.O. Box 530

Ennis, County Clare

Tel: 061 367 881

Fax: 086 172 2043

Email: sustain@ireland.net

MOVE Galway

Gerard Flanagan

Galway City Council, College Road, Galway

Tel: 091 536 400

MOVE Midland

c/o Community Services Council

North Gate Street, Athlone, Co. Westmeath

Tel: 090 647 2174

Mob: 086 172 1564

MOVE North Tipperary

c/o Loreto House, Kenyon Street, Nenagh, Co. Tipperary

Tel: 067 27882

Mob: 087 753 5212

Email: angelamomenth Tipp@eircom.net

MOVE Dublin

Carmichael House, North Brunswick Street, Dublin 7

Tel: 01 872 4357

Email: moveireland@eircom.net

MOVE Kildare

c/o Health Centre, Henry Street, Newbridge, Co. Kildare

Tel: 086 17

Appendix - 6 My Safety Plan

If you are in an abusive relationship, having a Safety Plan worked out *in advance* can help you get out of your home safely and quickly, if necessary.

It is helpful to work through all the steps, even if things are going smoothly.

Bring your Safety Plan with you if you need to leave in a hurry.

STEP ONE

Think about:

- Where you can go to make a telephone call.
- A safe place where you can go to stay in an emergency. This may be with a friend or relative, a women's refuge, a hotel or a B&B.
- The telephone number of the safe place.
- How to get to the safe place. Decide how you will get there at different times of day or night.
- What to tell the children, and how to tell it to them, when you need to put the Safety Plan into action.

**Women's Aid FREE National Helpline
1800 341900
10am-10pm, 7 days a week**

STEP TWO

Write down:

- Important telephone numbers
- Your family's essential medicines
- Your RSI/PPS or Claim No.
- Your Child Benefit Book No.

Taxi Tel No. _____

Doctor Tel No. _____

Garda Station Tel No. _____

Law Centre/Solicitor Tel No. _____

District Court Tel No. _____

Health Centre (CWO) Tel No. _____

Social Welfare Office Tel No. _____

Housing Department Tel No. _____

Women's Refuge/Support Service Tel No. _____

Rape Crisis Centre Tel No. _____

Family/Friends _____

Others _____

Essential Medicines

RSI/PPS/Claim No.

Child Benefit Book No.

STEP THREE

Collect together the following items. Hide them somewhere you can get them in a hurry.

- Enough money to get to a safe place by bus or taxi.
- An extra set of keys for your home.
- An extra set of keys for your car (if you have one).
- Extra clothes for you and your children.

It may be a good idea to put them in a bag and store it with a friend.

<p>Garda – 999 or 112 24 hour (Use 112 from a mobile phone)</p>

STEP FOUR

Think about where you can find the following items in a hurry. Have a bag ready.

- School uniforms and some of your children's favorite things.
- Essential medicines.
- The health board and social welfare require personal identification and evidence to assess your entitlement, e.g.:
 - Any court orders - RSI/PPS card
 - Claims' books - medical card
 - Marriage certificate - birth certificates
 - Bank details - pay slips

STEP FIVE

If you can, discuss your Safety Plan with a trusted friend so they can support you if you need to put it into action.

Keep your Safety Plan in a safe place. Ideally, somewhere you can get it quickly if you need to leave in a hurry.

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