Violence against women: effective interventions and practices with perpetrators

A literature review

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CONTENTS

EXECUTIVE SUMMARY

1. This report presents a review of literature on effective interventions and practices to deal with perpetrators of violence against women. The key focus is with those interventions and practices which are aimed at reducing re-offending, rather than primary prevention and or public education work.   The review was commissioned by the Scottish Government in order to inform development of Scotland's strategy for preventing the causes and consequences of violence against women.

2. Many initiatives in relation to violence against women, in particular in relation to domestic abuse, rape prevention and stalking, operate with the twin aim of improving responses to both victims and perpetrators. While this review focuses on what works to deal with perpetrators, it is important to acknowledge that appropriate responses to victims will improve their engagement with the criminal justice system and therefore facilitate improved legal responses to violence against women.

Domestic abuse: policing strategies
3. Whilst it is difficult to isolate the impact of policing policies from the broader criminal justice response, the adoption of a 'positive policing' approach is more likely to result in higher levels of arrests and a greater proportion of criminal charges. However, positive policing, with its emphasis on arrest and enhanced evidence gathering, needs to be applied consistently and reflected in other stages of the criminal justice system.

4. Early and repeated police interventions have been identified as important and having a greater impact on reducing abuse than arrest.

5. Research evidence about effectiveness of policing initiatives which adopt multi-agency and partnership working models is limited, although such approaches are widely recognised as good practice, which in turn contribute to robust risk assessment and safety planning.

6. Research on domestic abuse perpetrators entering the criminal justice system highlights potential opportunities for early intervention and preventative work; for example through the identification of 'crisis moments' (e.g. when a partner leaves or there are child contact issues) as points where men were more likely to seek help.

Specialist domestic abuse courts
7. Specialist domestic abuse courts have been evaluated with regard to their implementation, process and outcomes, and research has identified a range of benefits. However data on the impact of the courts on reoffending is limited.

8. There is a lack of consensus about which model of domestic abuse court is most effective in relation to the aims most commonly adopted: improving safety and support for victims and holding perpetrators accountable for their actions.

9. The broader context in which domestic abuse courts operate is also identified as important; that is, that the police adopt a consistent approach, with the presumption of arrest and remand, good evidence-gathering and ensuring access for victims to follow-up support. Further, that prosecutors and sentencers take a robust approach to prosecution, disposal, sentencing and the early identification of breaches of orders in domestic abuse cases.

Domestic abuse: protection orders

10. With regard to the efficacy of protection orders in preventing reoffending, evaluation studies are mixed. Studies indicate that between 23% - 70% of women victims report repeat incidents of violence despite having obtained a civil protection order; others claim that they can be an effective mechanism for preventing further abuse, substantially reducing assault and injury-related outcomes. The merits of protection orders, however, may be hampered by barriers in accessing and enforcing them.

Domestic abuse: exclusion orders

11. There is relatively little evaluation of exclusion orders. One notable Australian study of a programme using exclusion orders to allow women to remain safety in their own homes without their abusive partner, has been evaluated positively. The program works in collaboration with the police and courts with regard to the removal of the violent offender, and is based on long-term intensive case management. The case management process incorporates partnership working between the police, local courts, legal aid, health, housing and community services.

Domestic abuse: restorative practices

12. Examining the potential efficacy of restorative practices in the context of domestic abuse is challenging since restorative justice practices are prohibited in cases of intimate violence in many jurisdictions around the world, due in part to the concerns raised by victim advocates. Where they do exist, very few evaluations have focused on their impact on re-offending, focusing instead on their benefits for abused women.

13. Key principles for an ethical restorative response to domestic abuse are based on restorative justice only being undertaken when: the offender admits wrongdoing; victim participation is voluntary; victim support is in place; both parties have access to legal advice; facilitators are trained in the dynamic of domestic abuse; and there are enforced guidelines about the content of sessions.

Domestic abuse perpetrator programmes

14. The majority of perpetrator programmes (and evaluations) use a combination of pro-feminist, cognition behavioural management and group work. Issues have been identified not only with the perpetrator programmes but also with badly designed evaluations, meaning it is difficult to decipher what works and what doesn't. It is therefore difficult to make a clear judgement on the role of interventions or programmes on men's capacity for change.

15. To be successful such programmes need to engage men, continue with risk management and develop better coordination between courts and services. A recurring problem is motivating men to engage with and complete them. The majority of men taking part are those who have been court mandated to attend; but the value of court mandated programmes has been questioned on the basis that forcing men to take part reduces the overall effectiveness.

Stalking

16. Stalking is difficult to investigate, prosecute, and prevent, and there is as yet a limited pool of evidence concerning the effectiveness of policies and practices to prevent or reduce it.

17. Community oriented policing approaches, which take a multi-disciplinary approach, which incorporate early identification of problems and early intervention to enhance victim safety and prevent repeat victimization, are considered most effective in prevention of stalking.

18. Intervention orders (IOs) are commonly used to try curtail stalking, however their effectiveness is not yet fully established. Studies which examined breach rates among stalkers found that they ranged from 35% to 80%. Research has also found that low breach rate needs to be tempered by the finding that the majority of IO applications were not granted, predominantly due to the applicant failing to proceed with their case.

Rape prevention programmes

19. There is little robust empirical evidence that critically evaluates the effectiveness of such programmes. Some evidence has been found that short-term positive changes occur in rape-supportive attitudes and rape-myth understandings within prevention programme participants, and findings suggest that both men and women leave the programme with a better understanding of rape, its legal definition, and the effects of rape. However, little is known about long-term effects of such programmes, and in particular whether attitudinal changes result in behavioural changes, or if they contribute to a reduction in rapes.

20. Good practice for rape prevention programmes should be longer than one session, taught by a professional or trained peer, held in smaller groups or mixed or same sexes, and focus on changing/improving gender roles, and challenging rape myths and rape-supportive attitudes.

Rape Risk Assessment

21. A range of actuarially-based risk assessment tools, drawing on static and dynamic risk factors, have been developed with the aim of providing informed, empirically sound understandings of the re-offending risks posed by sex offenders. Yet the use of risk tools to identify and manage risk of re-offending is both methodologically and conceptually contested. Defining and measuring risk factors is considered problematic; the interpretation of risk factor evidence is difficult, and there is a danger of collapsing of the distinction between causes and correlates.

22. Hood et al. (2002) found that the Static-99 in particular has a sound predictive ability. In this key study, none of the offenders categorized as 'low risk' were reconvicted four years after release, only 2% of 'low-med' risk offender were reconvicted, and 27% of those marked as 'high risk' were reconvicted (2002: 388). However, in using Static-99 or similar risk assessment tools, it is important to be aware of their variable prediction power.

23. Caution must be taken when using risk assessment tools as they typically only measure static, historical factors. This is a limitation for risk assessment tools as they miss such dynamic factors as intimacy deficits, social influences, pro-offending attitudes, sexual self-regulation and general self-regulation (Craissati, 2005).

Rape perpetrator programmes

24. These programmes share many of the challenges of domestic abuse programmes, particularly in relation to the impact of voluntary versus mandatory participation.

25. The effectiveness of Sexual Offender Treatment Programs (SOTP) can be difficult to determine for rape offenders in particular. Not all sexual offenders are offered treatment, relatively few rapists complete treatment programs, and even fewer programs are designed specifically for rapists.

26. One of the most comprehensive evaluations of SOTPs found that there is an overall positive and significant effect on recidivism rates for sexual offender treatment groups although, of the programmes included in the evaluation, only 55% of offenders identified as rapists, the rest were convicted of child molestation or other sexual behavioural offences.

Criminal Justice Reponses to Rape

27. Criminal justice systems operate to prevent rape by ensuring the perpetrator is accountable and by removing perceived impunity, hence increased conviction rates are one of the primary aims. However, most criminal justice systems are not effective in preventing rape due to high levels of attrition and poor offender treatment programmes. There is also a lack of systematic data collection which would enable evaluation of interventions.

28. Criminal justice responses which assist victim-survivors to retain their sense of control and which also reduce 'secondary victimisation' can contribute to a reduction in attrition rates. A victim-focused response also allows victim-survivors to be more credible witnesses, enables collection of more robust evidence, and can help to increase conviction rates.

29. Responses should be developed via expert knowledge and specialist units. This is the most effective way to implement them through the mainstream. This also has the effect of improving inter-agency working, which in itself is seen as best practice.

Commercial sexual exploitation

30. In relation to interventions which are aimed at challenging demand for prostitution, it has been found that: police clampdowns on kerb crawlers tended to be localised and temporary with little discernible effect on detection; awareness campaigns seeking to clarify the legal status of prostitution and raise awareness of the consequences of prostitution may result in increased awareness but with apparently little impact on behaviour; community action may be effective in reducing demand but unless effectively supported by other agencies (such as the police and support services) may result in vigilantism and displacement of other areas; road management schemes have been shown to reduce the incidence of kerb crawling in specific areas but little is known about potential displacement effects.

31. There is limited empirical support for kerb crawler programmes in terms of their effectiveness in bringing about behavioural change in the men who are referred to them. This may be partly because programmes have tended to focus on challenging attitudes and increasing knowledge about the impact of prostitution without equipping men with the skills required to change their behaviour.

32. Re-offending rates are considered a poor indicator of the success of kerb crawler programmes both because of the low baseline rates of recidivism, and because men may go elsewhere to buy sex, or may take other measures to avoid detection.

33. Evaluations of 'John Schools' which have examined attitudinal change among men who attended the programme, found that following participation on the programme, men were more likely to accept responsibility for their behaviour, more likely to admit that they might have a sex addiction and less likely to report favourable attitudes towards prostitution. They also demonstrated increased understanding of the legislation and dangers associated with prostitution. However, there was no evidence that men were less likely to indicate that they would buy sex again after taking part in the programme.

34. Studies with men found that men were most likely to say they would be deterred from purchasing sex through fear of disease or if they had a regular sexual partner but relatively few mentioned criminal sanctions suggesting that current law enforcement measures are not viewed as deterrents.

35. In several jurisdictions, 'Ugly Mugs' schemes have been introduced to reduce the risk to women engaged in street-based prostitution, through encouraging and supporting the reporting of violence and the sharing of information about dangerous clients. Despite their growing availability there is, as yet, limited evidence as to their effectiveness in reducing violence against women involved in street prostitution and increasing arrests.

36. Research has highlighted the importance of effective inter-agency working to maximise the usefulness to the police of information contained in incident reports and the need for police training to improve their relationships with women involved in prostitution so that the latter are more willing to pass on intelligence that might facilitate the detection and arrest of violent clients.

37. A more general message from the research literature is that any measures that are adopted to reduce street prostitution through demand reduction initiatives must be accompanied by exit and support strategies for women because displacement is otherwise likely to occur and may place women at greater risk.

1 Background and Methods

1. This report arises from a Scottish Government Justice Analytical Services request to the Scottish Centre for Crime and Justice Research [SCCJR] to undertake a review of research literature on effective interventions and practices to deal with perpetrators of violence against women.

2. The review of literature is intended to inform the development of the cross-government strategy to tackle violence against women in Scotland for the period 2015-2020.

3. The Scottish Government uses a broad definition of violence against women, to include: *actions which harm or cause suffering or indignity to women and children, where those carrying out the actions are mainly men and where women and children are predominantly the victims.* This includes domestic abuse; rape and sexual assault, childhood sexual abuse, commercial sexual exploitation, stalking and harassment, and harmful traditional practices.

4. The cross-government strategy to tackle violence against women in Scotland is broad in scope and incorporates four main objectives:

   a. The individual needs of women and children affected by violence against women are fully met at the earliest points;
   b. Perpetrators are dealt with effectively and are less likely to re-offend;
   c. Social tolerance of all forms of violence against women is reduced, and;
   d. Situational/structural factors that can increase the risk of violence against women are reduced.

5. The review of literature contained within this report relates primarily to b. above 'that perpetrators are dealt with effectively and are less likely to re-offend'. The key focus of the review therefore is on those interventions and practices which are aimed at reducing re-offending, rather than primary prevention and or public education work.

6. This report takes the form of a non-systematic (narrative) literature review of relevant sources identified by the co-authors, and was expanded through the canvassing of their academic and third sector colleagues with knowledge of relevant literature and materials. In addition, a series of Boolean search terms were identified and entered into a collection of databases and journals so as to broaden the scope of the report and ensure its contemporary relevance. These include JSTOR; Web of Knowledge; Web of Science; as well as using Google Scholar to access other subscription-only services and materials. The review hence draws on both national and international literature, which has been published in the past 15 years.

7. Specifically, the review addresses the following: criminal and civil justice responses to domestic abuse; domestic abuse perpetrator programmes; criminal justice responses to rape and sexual assault; responses to stalking, and commercial sexual exploitation.

8. In each section, the material is organised in three main parts: rationale for the intervention; effectiveness of intervention; and research-informed good practice.

2 Civil and criminal justice responses to domestic abuse

2.1 Introduction

1. The civil and criminal justice response to domestic abuse has developed considerably over recent decades in Scotland and internationally. However, domestic abuse remains a persistent problem and continued debate exists with regard to 'what works' to deal most effectively with perpetrators. In the review that follows, research literature is considered in relation to initiatives devised to improve the criminal justice response to domestic abuse and reduce reoffending: namely, policing and arrest policies; specialist courts; protection orders; exclusion orders; and restorative justice. Many of the initiatives established in this area operate with the twin aim of improving responses to both victims and perpetrators. While this element of the review focuses ostensibly on what works to deal with perpetrators, it is important to acknowledge that appropriate responses to victims will improve their engagement with the criminal justice system and therefore facilitate improved legal responses to domestic abuse.

2. A considerable body of literature now exists in relation to civil and criminal justice responses to domestic abuse. However, literature that specifically addresses the question of what works to deal with perpetrators and reduce reoffending is relatively limited. There are particular methodological challenges associated with addressing this question; not least the longitudinal and resource intensive approach that may be required to adequately measure the impact of specific initiatives on reoffending behaviour over time.

3. Addressing the issue of 'what works' also raises questions about how the effectiveness of particular initiatives is measured, or distinguished, from broader processes and responses. Some studies, for example, consider the impact of a particular model or initiative on arrest or prosecution rates as an indicator of effectiveness, while others focus on convictions, recidivism, victim satisfaction or perpetrator experiences of the initiative in question. It should also be noted that research focusing on responses to domestic abuse perpetrators is typically conducted on small samples, reflecting the relatively small number of convicted perpetrators and the difficulties associated with reporting, policing and prosecuting domestic abuse. The small sample sizes available make it difficult to generalise findings to wider populations or to ascertain the impact of particular legal response on sub-groups of the population as defined by socio-economic status, age, ethnicity etc. Nonetheless, important insights can be gleaned from the literature that exists in this area.

4. With regard to the terminology used in this element of the literature review, the term 'domestic abuse' is used to reflect the Scottish context although it is acknowledged that the terms 'domestic violence' or 'intimate partner violence' are used more widely out with Scotland. Reflecting the legal context of the literature reviewed, the term 'victim' is also used.

2.2 Policing and Arrest

2.2.1 Rationale

1. Considerable attention has been given to improving police responses to domestic abuse at a national and international level. While much of these efforts have focused on providing appropriate responses to the victims of domestic abuse, the literature reviewed here focuses specifically on policing practices in relation to perpetrators of domestic abuse.

2. In Scotland there is no specific crime of domestic abuse. Reflecting the broad range of behaviours it encompasses, domestic abuse is policed and prosecuted under a number of other existing crimes including breach of the peace, vandalism, stalking, assault, sexual assault, rape and murder. A joint protocol on domestic abuse between Police Scotland and the Crown Office and Procurator Fiscal Service (revised in 2013) identifies best practice and aims to ensure consistency of approach in the investigation, reporting and prosecution of domestic abuse cases in Scotland. In recognition of the seriousness of domestic abuse, the protocol outlines a pro-arrest policy (irrespective of whether the victim is making a complaint) and presumption in favour of prosecution where there is a sufficiency of evidence.

3. Pro-arrest policies exist both in Scotland and elsewhere in the UK. The pro-arrest approach is now found in many jurisdictions although some states in the USA go further, by instating mandatory arrest and 'no-drop' prosecution practices (Kethineni and Beichner, 2009). Such responses have been introduced due to research and advocates highlighting concerns about case attrition at the police stage, police failure to arrest domestic abuse perpetrators, and the disproportionate arrest of perpetrators of lower social status (Buzawa and Buzawa, 2003).

4. Early debates regarding pro-arrest policies were concerned with whether they may actually increase the likelihood of further violence or abuse, or at least remove control over proceedings from victims in a detrimental way (Miller, 2003). However, research in this area proved to be inconclusive. The shift towards 'positive' or proactive police responses to domestic abuse reflects a wider acknowledgement that domestic abuse is a matter of social and public concern rather than simply an individual problem.

5.   These proactive approaches have also typically sought to provide integrated multi-agency responses to domestic abuse with the police being recognised as a central feature of 'front-line' responses to both victims and perpetrators. In the UK multi-agency risk assessment conferences (MARACs) are used to share information and develop safety plans for high-risk victims. MARACs are primarily a police-led process, although meetings include a range of statutory and voluntary sector agencies (Cordis Bright Consulting, 2011). In Scotland, multi-agency tasking and coordinating groups (MATACs) are being rolled out as a means of targeting repeat domestic abuse perpetrators.

2.2.2 Effectiveness

1.   It is difficult to isolate the impact of arrest policies from the broader criminal justice response, nor is it necessarily helpful to do so. Yet, relatively few studies examine domestic abuse case attrition from the point of reporting to the police through to disposal of the case. One useful exception is a study reviewing attrition of 869 domestic abuse cases recorded by the police in three districts within an English police force area. Findings indicated that the adoption of a 'positive policing' approach was more likely to result in higher levels of arrests and a greater proportion of criminal charges (Hester et al., 2003). However, attrition through the courts was higher in the district that emphasised positive policing. The authors concluded that positive policing, with its emphasis on arrest and enhanced evidence gathering, needs to be applied consistently and reflected in other stages of the criminal justice system (i.e. courts) (Hester et al., 2003).

2.   The police may be more likely to arrest in cases deemed to be high risk or cases associated with significant injury or a pre-existing history of abuse, thus drawing comparisons with non-arrest groups is problematic. Consequently, there is a lack of knowledge about how arrest varies as a function of perpetrators pre-existing risk of recidivism (Hilton et al., 2007). However, one study that attempted to control for pre-arrest risk based on 522 domestic abuse incidents attended by police in Ontario concluded that arrest had no overall impact upon recidivism over a five year period. A small beneficial effect was observed in lower-risk cases, which was mainly due to a delay in recidivism as recorded in police reports and criminal records (Hilton et al., 2007). There are limitations to the findings of this study, however, since it does not discern whether any effects observed are due to arrest per se or to other interventions associated with arrest such as custody or prosecution. The most important impact of arrest is likely to be the police and criminal justice response that can follow the arrest of a perpetrator.

3.   One consequence of pro-arrest or mandatory arrest policies highlighted in the literature is that more women are now being arrested as perpetrators of domestic abuse. In the US, the numbers of women arrested for the perpetration of domestic abuse has increased (DeLeon-Granados, 2006). Meanwhile, in Scotland, the proportion

of incidents recorded with a female perpetrator and a male victim has increased from 9% in 2002-03 to 17% in 2012-13. However, there are limitations to relying upon 'incident-based' data found within police statistics since domestic abuse is characterised by a pattern of ongoing abusive behaviour rather than a one-off incident. There is a relative lack of research which examines and contextualises such statistics, although detailed longitudinal research conducted in the Northumbria police force area comparing domestic abuse incidents where there were reported to be male, female and dual-perpetrators highlights that there were significant differences between domestic abuse reported to be perpetrated by men and women; a substantially greater number of incidents were attributed to men and the violence used by men against female partners was of greater severity and much more likely to be associated with fear and control (Hester, 2009). These findings concur with existing research documenting the impact of domestic abuse on victims, and particularly how experiences of victimisation may vary by gender; namely that women experience a greater range of abusive acts, more frequent abuse, and are more likely to be injured as a result of the abuse (Archer, 2000; Dobash and Dobash, 2004; Walby and Allen, 2004).

4. Further research conducted in England on domestic abuse perpetrators entering the criminal justice system highlights pathways and potential opportunities for early intervention and preventative work. This study, based on examination of perpetrator profiles extracted from police data, interviews with domestic abuse perpetrators and relevant agencies, identified 'crisis moments' (e.g. when a partner leaves or there are child contact issues) as points where men were more likely to seek help (Hester et al., 2006). However, the researchers also note that the safety of women and children should be prioritised at these points since these are times when perpetrators may be particularly dangerous or homicidal. The importance of early intervention with perpetrators identified by Hester et al. (2006) concurs with findings from earlier research based on the Killingbeck project that identified early and repeated police interventions as being particularly important and having a greater impact on reducing abuse than arrest (Hanmer and Griffiths, 2001).

2.2.3 Good practice

1. With regard to best practice, pro-arrest policies are considered to provide an acknowledgement of the seriousness of domestic abuse and the potential for more perpetrators to be held accountable for their actions. However, existing work in this area highlights the need for such an approach to be followed through in other aspects of the criminal justice response to domestic abuse. Within the research conducted by Hester et al. (2006), perpetrators identified the police and media adverts as having the potential to play a helpful role in sign-posting to perpetrator programmes and highlighting services.

2. In addition, based on the findings of the research conducted in Northumbria, an understanding of the gender dynamics inherent in domestic abuse is highlighted as central to the ability of the police to identify the primary aggressor in such cases (Hester, 2011). Where police practice was informed by such an understanding, they were more likely to question whether they had identified the correct perpetrator in incidents involving violence by women and were able to contextualise retaliatory violence by women (Hester, 2011).

3. With regard to multi-agency and partnership working models, research evidence about effectiveness is limited although such approaches are widely recognised as good practice, which in turn contribute to robust risk assessment and safety planning. A recent review of MARACs conducted for the Home Office in England and Wales notes that available evidence on MARAC outcomes is relatively weak and more robust evaluation is required (Steel et al., 2011). However, based on the data available, the review concluded that MARACs have the potential to reduce re-victimisation and improve victim safety.

4. The MATAC approach being rolled out in Scotland has not been evaluated, although initial project data suggest some promising results in relation to reduced levels of reoffending for those perpetrators targeted by the MATAC.

2.3 Specialist Domestic Abuse Courts

2.3.1 Rationale

1. Specialist domestic abuse courts have been implemented in a variety of forms across a wide range of jurisdictions over the past 20 years. Early versions of domestic abuse courts were developed in the United States and Canada in the early to mid-1990s (Hester et al., 2008; Matczak et al., 2011). In England, the first domestic abuse court was established in Leeds in 1999 and by 2010 there were over 140 Specialist Domestic Violence Courts in operation across England and Wales (Home Office, 2010). In Scotland, the first pilot domestic abuse was established in 2004 (Reid Howie Associates, 2007). More recently, pilot domestic abuse courts have been established in Edinburgh and Livingston although these pilots have not yet been evaluated.

2. Specialist domestic abuse courts represent a collaborative and multi-disciplinary approach to processing domestic abuse cases (Tsai, 2000) rather than simply a physical court building. A common aim of domestic abuse courts is enhancing victim safety and support whilst holding perpetrators accountable for their actions. This specialist and multi-disciplinary approach acknowledges that violence between intimates involves unique dynamics that are not common in stranger violence cases (Mazur and Aldrich, 2003).

3. However, there is significant variation in the specialist models adopted across different geographical locations. Existing models include the designation of a specific court to process domestic abuse cases (e.g. Glasgow Domestic Abuse Court at Glasgow Sherriff Court), the clustering of domestic abuse cases (e.g. Leeds Domestic Violence Cluster Court), or the fast-tracking of domestic abuse cases (e.g. FTS, Cardiff Magistrates Court). There are also variations in the issues that different specialist court systems deal with; some deal only with either civil or criminal matters while some adopt an integrated approach to deal with both civil and criminal matters (e.g. the Integrated Domestic Violence Court, Croydon) (Connelly, 2008). Further differences may exist in terms of the remit of legal personnel involved and approaches to disposals (Reid Howie Associates, 2007).

2.3.2 Effectiveness

1. Specialist domestic abuse courts have been evaluated with regard to their implementation, process and outcomes. Evaluating the outcomes of specialist domestic abuse courts is a key indicator of how effectively these courts deal with perpetrators. The evaluation of the pilot domestic abuse court in Glasgow provides an insightful comparison between domestic abuse cases processed by the domestic abuse court and other courts (Reid Howie Associates, 2007). The model adopted in Glasgow involved the designation of a specific court within Glasgow Sheriff Court as a domestic abuse court. The pilot court dealt only with summary criminal issues, although it dealt with all stages of cases including first appearance custody cases, intermediate diets, trials, reviews and deferred sentences. The main agencies involved in the delivery of the pilot model were the police, ASSIST, Victim Information and Advice (VIA), Victim Support Scotland (VSS), a dedicated procurator fiscal, four dedicated Sheriffs, and social work.

2. Compared to traditional courts, the pilot domestic abuse court in Glasgow improved the outcomes of domestic abuse cases. There was a higher proportion of cases in which there was a guilty plea (81% compared to 73%); a higher proportion of guilty pleas at the first appearance (21% compared to 18%), and a higher proportion of pleas changed to guilty at or before the intermediate diet (54% compared to 45%). Conviction rates were also higher (86% compared to 77%) and case attrition was lower (10%, compared to 18%). The speed of processing cases was much faster in the domestic abuse court than the comparison courts, with an intermediate diet held within 29 days in 76% of cases (compared to 20%), and nearly three quarters of cases calling reaching a trial diet in 6 weeks, compared to only 13% in the comparison courts.

3. There were also differences in the pattern of disposals, with probation being the most commonly used disposal in the domestic abuse court, compared to fines in the comparison courts. There was a greater use of conditions of probation, particularly the CHANGE programme and alcohol counselling. Improvements to evidence and

provision of information to the PF and the court were also noted. Further, almost three quarters of offenders who participated in the evaluation of the pilot domestic abuse court in Glasgow said that their future behaviour would be affected by their experience of the domestic abuse court (though it should be noted that these perpetrators were on the CHANGE programme and that intended behaviour may not reflect actual behaviour). It was beyond the scope of the pilot evaluation to ascertain the impact on recidivism, however, since this would require measurement over a much longer period of time.

4. Limitations of the Glasgow pilot domestic abuse court included the use of enhanced evidence and other measures, the resourcing and availability of the CHANGE programme to work with perpetrators and their partners, and the focus solely on summary criminal matters. Views on whether civil and criminal matters should be combined were mixed, although the need for links between civil and criminal matters was highlighted. While domestic abuse is a criminal matter, civil issues such as custody, contact and residence, and interdicts were identified as important to the protection of victims and children. Overall, there was strong support for the specialist court model to be rolled out at a national level although it was acknowledged that different geographical areas may not require an exact replica of the Glasgow model.

5. In England and Wales, an evaluation of five specialist domestic abuse courts/fast track systems by Cook et al. (2004) provided an earlier contribution to the research evidence in this area. Due to the developmental stage of the five courts being evaluated (in Cardiff, Derby, Leeds, West London and Wolverhampton), data on the impact of the courts on recidivism was limited. However, notable benefits of the specialist courts and fast track systems were observed. These benefits included improved effectiveness of court and support services for victims, increased victim participation and satisfaction, facilitation of advocacy and information sharing, and increased public confidence in the criminal justice system. While the five courts had different strengths, the key principle underpinning the success of the courts was the development of best practice in integrated, multi-agency working that places the victim at 'the heart of the process' (Cook et al., 2004). Information sharing and taking account of civil/family court issues were identified as a difficulty (all five courts evaluated dealt with criminal rather than civil matters). The interface between civil and criminal courts was, therefore, identified as an area that required further consideration if specialist courts are to maximise their potential in protecting those who have experienced domestic abuse and their children.

6. In a subsequent study, Hester et al. (2008) evaluated an integrated domestic abuse court pilot in Croydon. The integrated model adopted in Croydon was intended to bring together civil and criminal domestic abuse cases in a similar way to the 'one family one judge' models adopted in the US. Due to a very low number of cases (five) proceeding through the court in the initial 12-month evaluation period, it was not possible to assess the effectiveness of the court. The lower than expected number of

cases processed by the integrated court raised questions about the need for the court and potential difficulties in the identification of cases.

7. In the US, integrated courts have drawn upon the concept of 'therapeutic jurisprudence' using a holistic problem solving approach that takes account of the well-being of those affected by the legal process (Hester et al., 2008). This approach entails a multi-agency approach to family problems including victim advocacy, perpetrator treatment programmes, and judicial monitoring. However, there is a lack of outcome evaluations to determine the effectiveness of these integrated court models (Hester et al., 2008).

8. In South Carolina, Gover et al. (2003, 2007) evaluated the process and outcomes of a specialist domestic abuse court in Lexicon County. With regard to the impact on recidivism, rearrest rates were lower for offenders processed through the specialist courts (12%) compared to offenders processed in traditional courts (19%). This comparison of rearesst rates is based on a random sample of 197 offenders processed by the specialist court and a 189 offenders processed by traditional courts prior to the implementation of the specialist court (Gover et al., 2003). These findings suggest that the specialist court approach was more effective than traditional courts in dealing with offenders although, in this study, it was unclear why this may be the case. In a subsequent study based on interviews with 50 victims and defendants who participated in a specialist criminal domestic abuse court, Gover et al. (2007) conclude that the specialist court was successful in providing a fair and just process for victims and defendants. Both parties indicated a high level of satisfaction with the court and majority of victims and defendants thought that their case was handled in a fair, good or excellent manner. Reflecting on these findings, Gover et al. (2007) highlight earlier research which indicates that offenders experiences of criminal justice procedures may have a greater impact on the future behaviour of offenders than the actual sanction imposed (Paternoster, 1997).

2.3.3 Good Practice

1. The available evidence strongly supports the use of domestic abuse courts, albeit in a variety of forms. There is a lack of consensus about which model of domestic abuse court is most effective in relation to the aims most commonly adopted by these courts; improving safety and support for victims and holding perpetrators accountable for their actions. This lack of consensus represents due consideration of the differing local contexts that specialist courts are implemented in, rather than conflicting views or evidence about which model represents best practice. In other words, no 'one size fits all' (Cook et al., 2004). In addition, there may be limitations to drawing models from other jurisdictions such as those in the US since legislative differences that may exist, particularly in relation to human rights legislation (Hester et al., 2008).

2. In the Scottish context, Connelly (2008) has devised a toolkit to aid the development of specialist approaches to cases of domestic abuse. The key principles that should inform a specialist response to domestic abuse cases are identified as: victim and child safety, keeping the victim informed, offender accountability, information sharing and informed decision-making, institutionalised co-ordination of procedures and protocols, training and education, judicial leadership, effective use of the justice system, and evaluation of protocols and procedures (Sack, 2002; Connelly, 2008).

3. Following the evaluation of the Glasgow domestic abuse court pilot, the broader context that domestic abuse courts operate in is also identified as important (Reid Howie Associates, 2007). For example, it is recommended that the police adopt a consistent approach, with the presumption of arrest and remand, good evidence-gathering and ensuring access for victims to follow-up support. Further, that PFs and Sheriffs take a robust approach to prosecution, disposal, sentencing and the early identification of breaches of orders in domestic abuse cases (Reid Howie Associates, 2007).

2.4 Protection Orders

2.4.1 Rationale

1. Civil protection orders are intended to prevent abusive behaviour from reoccurring rather than punish a perpetrator for past behaviour. These orders are available in various forms in a range of jurisdictions including the UK, USA and Australia. The civil protection orders available to victims of domestic abuse in Scotland include: an interdict with no power of arrest; an interdict with power of arrest; and non-harassment orders. Victims of domestic abuse may also apply for an exclusion order as a civil legal remedy intended to allow removal of the abuser from the home. Since civil protection orders offer a means of addressing domestic abuse without invoking a criminal justice response they may offer victims' legal recourse without their partner or ex-partner being arrested and processed in the criminal justice system (Kethineni and Beichner, 2009).

2. In the criminal justice system, responsibility for deciding to bring a case to court lies with the prosecutor while civil remedies must be instigated by the victim and the burden of proof lies with the victim. Civil protection orders have the advantage of requiring a less onerous standard of proof, based on a balance of probabilities, rather than 'proof beyond reasonable doubt' required in criminal proceedings. Evidential requirements are also less onerous than in criminal proceedings where in some jurisdictions corroboration is required and hearsay evidence is not recognised (Connelly and Kavanagh, 2007).

3. If a civil protection order is not successful in protecting against further abusive behaviour, then criminal sanctions may follow the breech of a protection order. The Domestic Abuse (Scotland) Act 2011 made it an offence to breech an interdict with a power of arrest in domestic abuse cases. The 2011 Act also removed the requirement to demonstrate a "course of conduct" before granting a non-harassment order, therefore allowing courts to grant a non-harassment order in domestic abuse cases after one instance of harassing behaviour.

2.4.2 Effectiveness

1. In the UK and elsewhere, studies that have focused upon victim satisfaction have highlighted the potential benefits of civil protection orders. From the perspective of those seeking protection orders, the granting of these orders has value in sending a clear message to perpetrators about the unacceptability and seriousness of their behaviour (Connelly and Cavanagh, 2007) and they can also provide a more rapid response to preventing further abuse than criminal proceedings (Ko, 2002). Some research has indicated that a beneficial aspect of civil protection orders is the power given to women with respect to making the decision to enforce an order (Kethineni and Beichner, 2009). Protection orders may also be particularly beneficial with regard to negotiating contact arrangements with any children involved (Lewis et al., 2000).

2. With regard to the efficacy of protection orders in preventing reoffending, evaluation studies report varying levels of impact. In the US, studies indicate that between 23% to 70% of women victims report repeat incidents of violence despite having obtained a civil protection order (Holt et al., 2003; Logan and Walker, 2010). In a review of 32 US studies it is estimated that, on average, 40% of orders are violated (Spitzberg, 2002). From the research evidence available, it is difficult to discern how these rates of reoffending compare to equivalent cases where no protection order has been granted. One recent US based study, however, has attempted to compare the these groups in a longitudinal study measuring the efficacy of protection orders in reducing assault and injury-related outcomes over a 4-year period (Kothari et al., 2012). The study findings confirmed the protective effect of protection orders, with the protection order group experiencing substantially reduced police incidents and emergency room visits both during and after the order compared with a matched comparison group. The results of this study are noteworthy due to the length of the follow-up period (4-years) and the use of emergency room visit records as opposed to police reports alone. However, it is difficult to discern whether emotional abuse, or abuse that resulted in only minor injury, was also reduced.

3. In a study incorporating women's experiences of using protection orders, Logan and Walker (2010) examined protective order effectiveness by following 210 women for 6 months after obtaining a protective order in Kentucky. Although half of the protection orders were violated in the 6-month follow-up period, among those who experienced violations, there were significant reductions in abuse and violence. Overall, women

were less fearful of future harm from their ex/partner at the 6-month follow-up, and a vast majority felt the protective order was either fairly or extremely effective.

4. Few research studies have compared the use of civil and criminal protection orders, however a comparative study conducted in Illinois confirmed that victims seeking criminal protection orders most commonly cited physical violence as the reason for initiating proceedings while victims in civil protection cases most commonly cited emotional abuse as the reason for seeking a protection order (Kethineni and Beichner, 2009). This research also indicated that levels of re-abuse were lower in both civil and criminal protection order cases where the perpetrators did not have a previous criminal record, suggesting that the prospect of arrest has less of a deterrent effect on those who have already been convicted with a criminal offence (Kethineni and Beichner, 2009).

2.4.3 Good Practice

1. The available evidence indicates that protection orders can be an effective mechanism for preventing further abuse. The merits of protection orders, however, may be hampered by barriers in accessing and enforcing these orders. With regards to accessing civil protection orders the complexity of the process, time and cost may hamper applications for protection orders (Logan et al. 2004; Moe, 2000). Since the applicant rather than the state is required to fund an application for a civil protection order, this may act as a barrier to women who do not have the financial means or state support to fund their application (Cavanagh, 2003).

2. Further, protection orders do not carry the same weight as criminal sanctions and may be viewed as "merely a piece of paper" (Wallace, 2008: 247), unless there is an effective response to breaches of orders. An evaluation of the Protection from Abuse (Scotland) Act 2001 highlighted the need for breached orders to be dealt with effectively by the criminal justice system (Cavanagh et al., 2003). Subsequently, Connelly and Cavanagh (2007) reiterated concerns that the ability of the law to assist women in negotiating their safety will be compromised unless the attitudes of personnel within the criminal justice system are in accordance with legislative intent. The ease with which protection orders can be accessed and whether or not powers of arrest are attached and enforced is of particular importance here.

3. Protection orders are available in many jurisdictions, although there is some variation in the nature of protection offered and the process of obtaining a protection order. In some jurisdictions (e.g. Australia) protection orders can be requested by third parties such as the police. In some states of the USA women can obtain a protection orders without requiring legal representation; women complete a form at a court house. However there is little available evidence available about the operation of these processes or their impact upon the use and effectiveness of protection orders in preventing the continued perpetration of domestic abuse.

2.5 Exclusion Orders

2.5.1 Rationale

4. Exclusion orders are a civil legal remedy intended to protect women from abusive partners by removing the abuser from the home. In Scotland, exclusion orders were introduced by the Matrimonial Homes (Family Protection) (Scotland) Act 1981. Removing abusive partners from the home allows women, and any dependent children, to avoid the additional financial, practical and emotional stress associated with moving home, which may include the loss of support networks, employment and education.

2.5.2 Effectiveness

1. Although exclusion orders have been in existence for some time, there is little evidence of their use. An evaluation commissioned by Scottish Women's Aid to assess how effective exclusion orders are in preventing homelessness of women living with domestic abuse highlighted the infrequent use of these orders; a crave for an exclusion order was found in only 34 (1%) of the sample of family law cases reviewed (Avizandum Consultants and AAJ Associates, 2009). Exclusion orders were used so rarely that it was not possible to assess their effectiveness in preventing further abuse or homelessness; the study focus therefore turned to the reasons why women were not using exclusion orders.

2. Within the study sample's interview group of 34 women who had experienced domestic abuse, exclusion orders were granted in only three cases and they were used primarily to keep an abuser from the home after he had already left the home rather than to exclude him in the first instance. Where they were used, exclusion orders were considered to have the potential to be effective in providing a long-term, safe housing. They could also provide a mechanism for offering protection to victims who do not want to involve the police, or to those who report to the police but where there is no clear and corroborated evidence of a crime. An exclusion order may also be used to prevent the return of an abuser when special bail conditions come to an end (i.e. at the conclusion of a criminal case).

3. With regard to the reasons why exclusion orders are rarely used, the study acknowledged that some women will prefer to leave to protect their safety and establish a new home while others may manage to stay in the home without an exclusion order. In addition, a combination of other measures such as special bail conditions and interdicts may have the same practical effect for women who have sole title to the home and therefore do not require an exclusion order to remove an abuser from the home.

4. However, barriers to accessing exclusion orders were also identified. The availability and cost of legal aid impacted on women's ability to apply for exclusion orders and this was identified as an area of concern within the context of a decline in the numbers of lawyers offering civil legal aid and those prepared to do protective work. Access to information and advice was also identified as a barrier to accessing exclusion orders; women did not always get appropriate information about the measures available to them, irrespective of the type of service they were in contact with. Practitioners also expressed a lack of confidence about giving advice on exclusion orders.

5. Both the women interviewed and the practitioners surveyed expressed a lack of confidence in the value of protective orders, including the enforcement of powers of arrest. Analysis of court data confirmed that cases did proceed without corroborative evidence but this was not reflected in the advice women received when considering an exclusion order. Other procedural barriers existed in terms of delays within the application process and concern about whether women could apply for civil orders while special bail conditions were in place.

6. Relatively little other research has examined the use of exclusion orders in the UK, however, research in England focusing on preventative work with perpetrators recommends that emergency accommodation should be made available to perpetrators so that women can remain in their own home (Hester et al., 2006).

7. Out with the UK, examples of promising practice exist with regard to the protection from continued domestic abuse without women and children having to flee their own homes. In New South Wales, Australia two pilot projects linked to the Staying Home Leaving Violence (SHLV) initiative, which aims to allow women to remain safety in their own homes without their abusive partner, have been evaluated positively (Foster et al., 2006; RPR Consulting, 2007). In the Eastern Sydney pilot two-thirds of victims were able to remain in their own home with the perpetrator of violence excluded (RPR Consulting, 2007). A review of the Staying Home Leaving Violence initiative based on women's experiences also confirmed that SHLV was successful in supporting women and children to live their lives free from violence and remain in their own home on leaving an abusive relationship (Edwards, 2011).

8. The SHLV initiative aims to support women leaving abusive relationships to remain in their own home. The program works in collaboration with the police and courts with regard to the removal of the violent offender. The SHLV model is informed by the principles of early intervention and prevention, and it is based on long-term intensive case management. The case management process incorporates partnership working between the police, local courts, legal aid, health, housing and community services. Safety planning processes associated with case management address common barriers to leaving violent relationships such as access to accommodation, maintaining support networks, secure employment and access to education/childcare (NSW Community Services, 2010).

9. From the perspective of women accessing SHLV services, particular strengths of the model include: the provision of emotional as well as practical support; skill of the SHLV workers; long-term rather than crisis support; the integration of SHLV services as part of the local non-government service network; and active partnerships with government agencies (Edwards, 2011). Areas of development for the state wide program included the need for pro-active police and court responses, adequate and consistent policing responses to threats of violence post-separation, improved access to public housing for women leaving domestic violence, careful assessment of women's safety prior to the ex-partner's release from prison, with consideration given to the use of electronic monitoring for released prisoners; and improved local court responses to applications for exclusion orders.

10. Positive evaluations of SHLV have resulted in eighteen projects being rolled out across NSW as part of the Staying Home Leaving Violence Program. A range of agencies including the police, women's support services, legal or family services may act as the auspice organisation for SHLV services. It remains to be seen what impact, if any, the choice of auspice organisation has on service delivery. In the Australian states of Victoria and Western Australia other programmes with similar aims to SHLV (called Safe-at-Home) are also being rolled out.

2.5.3 Good practice

1. In principle, exclusion orders have the potential to prevent the continued perpetration of domestic abuse while allowing women and children to remain in their own homes. However, changes are required for the take-up of exclusion orders to be improved. Changes suggested by the women interviewed in the evaluation commissioned by Scottish Women's Aid were: improvements to advice and information; time to consider options and return to the home after a period of respite; changes to the legal process and cost of legal action; and improved home security. Overall, the study concluded that required changes related to: improving advice and information, reducing the barriers to accessing legal services, changes to the law, improving the response from the courts, improving support available to women who want to stay in their home, and improving joint working around civil orders.

2. Positive evaluations of the SHLV program in NSW, and the collaborative long-term intensive case management approach it is based on, would appear to be a model of good practice that works to remove violent offenders from the home.

2.6 Restorative Justice: domestic abuse

2.6.1 Rationale

1. Restorative justice is informed by the aim of 'restoring' victims, offenders and communities following a crime, rather than the focus on retribution found within conventional forms of justice (Mills et al., 2013). This may include restoration from injury, lost property, dignity, social support, and personal security (Strang, 2002). It has been argued by some that restorative justice has the potential to deliver conventional functions of criminal justice, such as retribution, rehabilitation and protection more adequately than formal justice does (Hudson, 2002).

2. Restorative justice processes have developed around the world since the early 1990s They typically involve some form of communication between perpetrators and victims, although different models of restorative justice exist. Trained staff facilitate communication between the parties involved and the process may include conferences, face-to-face meetings, shuttle dialogue, family group conferences and justice circles.

3. The benefits of restorative justice for victims are cited as including empowerment, repairing harm, the opportunity to receive and apology, tell one's story and develop a greater understanding of the offender and the offence (Stubbs, 2007). However, the applicability of these benefits in cases of domestic abuse has been questioned (Braithwaite and Strang, 2002; Stubbs, 2007). This is largely due to the power dynamics and pre-existing intimate relationships associated with domestic abuse, the potentially ongoing nature of domestic abuse and the safety of the victim. Particular concerns have also been raised about expectations of forgiveness and the exploitation of women's emotions within the restorative justice process (Stubbs, 2007). These concerns are relevant in the context of domestic abuse in view of evidence that male perpetrators typically minimise their own responsibility for abuse (Dobash et al. 1998; Hearn, 1998).

2.6.2 Effectiveness

1. Examining the potential efficacy of restorative practices in the context of domestic abuse is challenging since restorative justice practices are prohibited in cases of intimate violence in many jurisdictions around the world.This is due, in part, to the concerns raised by victim advocates (Daly and Stubbs, 2006). However, some literature exists in relation to models used in the US, Canada and Australia.

2. In a recent US randomized control trial study based in Arizona, Mills et al. (2013) compare the first court-referred restorative justice-based treatment programme in the US for domestic abuse offenders called Circles of Peace (CP) with the most common approach to the treatment of domestic abuse crimes in the US; the group-based Batterer Intervention Programme (BIP). This study measured the impact of these two programmes upon recidivism. Other studies on restorative justice have more typically focused on other objectives of restorative justice such as the satisfaction of the parties involved (e.g. victims, family members, support persons, community members).

3. In the Arizona study, offenders who were in jail or who plead guilty to the allegation against them were randomly allocated to CP or BIP. There were 152 participants in total; 82 were assigned to CP and 70 were assigned to BIP. Most (81%) of the DV offenders were male and 86% of the cases were domestic abuse cases that involved intimate partners.

4. The focus of CP is on restoration following a crime, moving beyond the changes in attitudes, beliefs and behaviour sought through BIP. The CP programme employs a decision making by consensus approach that engages the offender in his or her future and uses a social compact rather than a court order to guide weekly sessions. Offenders are expected to attend a minimum of 26 CP sessions; victims could attend a number of sessions or none et al.l since participation of victims was voluntary. CP sessions are also held in a private space rather than the offender group setting used in the BIP.

5. The study findings indicate that attrition in both treatment programmes was high: only 51% of participants complete the CP treatment and only 40% completed the BIP programme. Two years after the interventions, 17% of those on the CP programme had been re-arrested for a DA offence and 21% of those on the BIP programme had been rearrested for a DV offence (these figures include those who had not completed the programmes). It should be noted that these figures are based on official data on arrest and many DA incidents may be perpetrated without resulting in arrest. Mills et al. (2013) conclude that the results of their study demonstrate that restorative justice is 'no worse' than the traditional batterer intervention programme and that further research on the use of RJ in domestic abuse cases is required.

6. In Austria, victim-offender a mediation programme has been evaluated in some detail in both 2000 and 2009 by Pelikan (2000, 2009). Under this programme, state prosecutors can divert a case from court to mediation. If both parties agree to participate, they with work with a pair of mediators (one male, one female) at a Victim-Offender Mediation Centre. In her original study, Pelikan (2000) observed 30 mediations and conducted separate follow-up interviews with each partner. The study findings indicated that the mediation process was empowering for some victims but it had a limited effect on abusive men leading Pelikan (2000) to surmise that 'Men don't get better, but women get stronger'. It was not possible for the study to identify

particular types of case that may respond well to mediation, although the existence of personal resources was identified as a prerequisite for the success of the process.

7. In 2009, Pelikan conducted a second study by administering a postal questionnaire (with 162 returns) and again, observing 33 mediation sessions and conducting follow-up interviews with women. Following the mediation sessions, only 17% of women said that they had experienced further violence from their ex/partner. However, the length of the follow-up period is not clear and it is acknowledged that this study has no comparison group with cases processed in court and sentenced. Of the women who said that had not experienced further violence, 80% said that mediation had contributed to this – to a substantial degree in 40% of cases. With regard to why mediation may have been effective in some cases, Pelikan (2009) attributes this to women's empowerment through both the mediation process and broader social and legal change which signals that violence in intimate relationships is not acceptable. Since the initial study was conducted in 2000, provisions relation to police powers and protection orders had been enhanced by the Austrian Protection Against Domestic Violence Act 1997 (amended 1999).

8. An earlier study of Navaho peacemaking and intimate partner violence by Coker (1999) also indicated that this form of justice may have benefits for abused women. However, based on examination of case files, interviews with judges, peacemakers and advocates, Coker (1999) also notes that some abused women feel coerced into participating and advocates from women's organisations were not supportive of Navaho peacemaking in relation to domestic abuse.

2.6.3 Good practice

1. It has been suggested that existing generic restorative justice practices cannot be implemented in domestic abuse cases without significant risks to victims interests (Stubbs, 2007). Taking account of the gendered harms associated with domestic abuse, it has been argued that restorative justice models applied to this issue may require a different approach to that found in common restorative justice models. Rather than restorative justice being viewed as an alternative to criminal justice, restorative justice could be hybridized with formal criminal justice (Hudson, 2002; Stubbs, 2007). This may go some way to ensuring that symbolic reparation such as apology and forgiveness are not prioritised over safe and just outcomes (Stubbs, 2007).

2. Many of the restorative justice practices around the world have not been designed specifically for use in a domestic abuse context. One notable exception to this is a feminist-designed restorative justice approach developed by Pennell and Burford in Canada. This model is centred around a co-ordinated community response, drawing some parallels with the well-established Domestic Violence Intervention Project in Duluth. It is advocated that restorative practices do not require disengagement from

state intervention, rather the circle of those committed to preventing continued abuse can be widened (Pennell, 2006). In this model, family group conferencing can be used as a means of offering control, protection and support in making decisions about the future. Importantly, these conferences are not intended to divert perpetrators from punishment or mediate conflict between perpetrators and victims.

3. In a review of restorative justice programmes in UK and elsewhere, the following features have been identified as contributing to their success when applied to domestic abuse: safeguards for victims; procedures for checking voluntarism; a multi-agency approach; support services available; sufficient staff resources; rigorous training and supervision (Leibmann and Wooton, 2010). Most recently, the Centre for Social Justice has recommended that the Home Office and/or the Ministry of Justice pilots restorative justice domestic abuse programmes in the UK with the aim of establishing their impact upon bringing offenders to justice, reducing reoffending, reducing costs and increasing victim satisfaction (Farmer and Callan, 2012). In the Centre for Social Justice report 'Beyond Silence: Breaking cycles of domestic abuse' key principles for an ethical restorative response to domestic are based on restorative justice only being undertaken when: the offender admits wrongdoing; victim participation is voluntary; victim support is in place; both parties have access to legal advice; facilitators are trained in the dynamic of domestic abuse; and there are enforced guidelines about the content of sessions.

3   Domestic Abuse Perpetrator Programmes

3.1 Background and rationale

1. Historically, the focus in domestic abuse cases was upon ensuring the protection of women and children from a violent partner alongside providing services and support for them (Westmarland and Kelly, 2012). In the 1990s, in a bid to move the attention away from the 'victim' to the 'perpetrator', a drive for rehabilitation programmes began. Initially responses from those working in the VAW field were negative. There was a fear that the money for the programmes would directly impact upon the provision of services for women and children (Scourfield and Dobash, 1999; Morran 2011) and that the group setting would mean that men validated the violence of other men. Research has demonstrated that violent men underestimate or under report the extent of their abusive behaviour (Gondolf, 1999; Gadd, 2004) so asking men to take part in a programme that requires acknowledgment of their own behaviour and directly challenges their use of violence presents a difficult encounter. The development of multi-agency forums provided a framework whereby support services for women and intervention programmes for men could be positively linked and the rolling out of perpetrator programmes began.

2. The vast majority of perpetrator programmes (and evaluations) exist in the UK, Europe and North America with most using a combination of pro-feminist, cognition behavioural management and group work (Gadd, 2004; Morran, 2011). Psychologists link domestic abuse perpetration to violence in the family of origin (Stith et al. 2000; Bowen et al. 2002) anger (Gilchrist, 2013) and alcohol (Bowen et al., 2002; Gilchrist, 2013). Pro-feminist scholars challenge individualised causes of violence looking instead at broader issues of gender and inequality (Lombard, 2013; Westmarland and Kelly, 2012).

3. In their review of the research, Saunders and Hamill (2003) and Saunders (2008) divided programmes based upon the differing assumptions underlying them:

   1) The social learning model: with the purpose being to positively change the offenders' behaviour
   2) Cognitive behavioural therapy
   3) Sex role re-socialisation
   4) Developing awareness of controlling techniques by expanding the definition of abuse and encouraging empathy
   5) Family systems approaches, which look to changing communication within a relationship

6) Trauma based approaches – helping men to resolve issues around childhood trauma and abuse (adapted from Saunders and Hamill (2003: 3) and Saunders (2008: 157 - 159)

3.2 Effectiveness

1. The Duluth men's programme developed by Pence and Paymar (1993) in North America was based upon a pro-feminist rehabilitation model. It was adapted for use by several perpetrator programmes and used as the basis for multi-agency approaches to domestic abuse in several countries, notably in England and Wales, and in Scotland. The Duluth model is acknowledged as being widely influential in Britain, along with therapeutic based approaches - predominantly cognitive behavioural therapy (CBT), Gestalt, and the 'invitational' model (Jenkins, 1990), and; across Europe, where a review of European men's programmes found that most programmes apply cognitive behavioural, profeminist, or psychodynamic treatment, with nearly half using a combination of multiple treatment types (Hamilton et al., 2005).

2. The aim of the Duluth model (and subsequent programmes influenced by the Duluth approach) was to challenge core beliefs emanating from patriarchal society and to develop non-aggressive, equal ways to communicate. Alongside this was a co-ordinated community response to domestic abuse, rather than just being the task of statutory agencies.

3. Gadd (2004) argues this amalgamation of techniques is not without their contradictions: *In the field of domestic violence it has become commonplace for government sponsored research evaluators to refer to a 'feminist cognitive behavioural model' without any reference to the theoretical contradictions and ambiguities that such a marriage between feminism and the more scientific, and not necessarily commensurable, schools of behavioural and cognitive psychologists would appear to incur* (Gadd, 2004: 181). He goes onto argue that such programmes can lose sight of the meaning that violence has to these men. There is also a range of experiences and abuse these men have had (child abuse, time in jail, addiction, bereavement), forming part of their 'embodied experience' (Gadd, 2004: 188) which cannot be easier fixed by a short course whatever its affiliation.

4. A recurring problem in the success of the programmes is motivating men to engage with and complete the programmes. Encouraging, motivating or forcing men to take part informs the purpose and the outcome. Often men on the programmes have been mandated by the criminal justice to complete them. This presents two issues. Firstly this supposes that the violent men have been subject to official criminal sanctions when relatively few men who perpetrate domestic abuse are reported, arrested or charged with forms of behaviour relating to domestic abuse. Under-reporting is very high (Cunningham et al., 1998). The majority of those taking part therefore will be those who have (eventually) been arrested after committing such abuses without retribution beforehand.

Of those who have been, rates of recidivism can be as high as 68% (Dobash et al., 1999). Bowen et al (2002) also point out that conviction rates for domestic abuse are linked to extremely high attrition rates (2002: 223). Often the men who will have been arrested will be those who are experiencing multiple disadvantages (Mair and May, 1997; Gadd, 2004) and therefore the issues they need to address will extend well beyond abusive behaviour.

5. Secondly, the value of court mandated programmes has been questioned with researchers judging that forcing men to take part reduces the overall effectiveness (Feder and Wilson, 2005). When examining what works, Gadd uses the work of criminologist Anne Worrall to question whether 'learning' is effective in the 'context of punishment' (2004: 182).

6. Even those programmes where attendance was framed as a prerequisite of the sentence were not successful as research has shown that attendance was often not monitored (Saunders and Hamill, 2003).

7. Daly and Pelowski (2000) identify that the greatest challenge in working with men is their lack of motivation. Most programmes have identified that men who voluntarily attend tend to go on to successfully complete them, as opposed to men who are mandated by the courts or compelled to through probationary routes. Men who attend voluntarily and complete the programmes are also the most likely to desist, having made their own decision that they want to change their behaviour (Morran, 2011).

8. Edleson (2008), however, argues that increases in arrest rates and in the proliferation of court mandated treatment programmes has meant that the number of men participating has risen greatly. He details seventy studies (based in the US) and maintains that whilst issues still remain such programmes help the majority of men stop being violent, in time. Whilst he cannot pinpoint which elements of the programmes enable this to happen he did find that those programmes operating as part of a coordinated responses with the criminal justice system achieved a greater success rate.

9. To measure the success of something we need to ask, what is its initial purpose? This is an important question and the answers often depend upon who is asked. For example, for the criminal justice system it may be that the abuser is not arrested again, but this does not necessarily mean that he has stopped being violent. Cunningham et al. (1998) rightly point out that because domestic abuse covers a range of behaviours some may reoccur earlier than others and as such detection rates may be harder to quantify in terms of repeat violence perpetration. Saunders and Hamill (2003) stress that official reports are more likely to underestimate the levels of violence experienced by the partners and also be unaware of repeat victimisation. Success for the partner would mean that the abuse has stopped and they can live their lives without fear. Success for the programme would be successful retention and completion rates alongside recognition of previous behaviour and change.

10. Therefore a main aim of evaluation needs to be 'to determine the impact of a service against the defined criteria or goals of the programme' (Merrington and Hine, 2001 cited in Bowen et al., 2002: 227). Bowen and colleagues (2002) determine that the best way to do this is through independent research and, increasingly, organisations include an evaluation budget when applying for grants. Saunders and Hamill (2003) identify areas where the quality of outcomes can be assessed. These include (i) outcome measures particularly how recidivism is defined – be it a violation of probation or a repeat offence and also whether absolute non-recidivism is necessary for the programme to be considered effective; (ii) attrition rates, before, during and after treatment (iii) the comparison of different men and different programmes (iv) the use of comparison or control groups. Bowen and colleagues argue that success is determined by the 'information that is obtained to measure it by, be it self-report by offenders, partner report or police contact data (2002: 228).

11. As such, issues have been identified not only with the perpetrator programmes but also with the badly designed evaluations, meaning it is difficult to decipher what works and what doesn't (Morran, 2013). The poor evaluation of programmes is well documented (Bowen et al., 2002; Cunningham et al., 1999; Gadd, 2004). Guidance produced by the National Institute for Health and Care Excellence (2014) did not reach a conclusion as to whether perpetrator interventions should be recommended, since there was less evidence as to their effectiveness than interventions with victims of domestic abuse. Evaluations which use partners' wellbeing and perception of how the situation has changed as indicators are rare, and also whether such interventions could be transferred to non-heterosexual relationships. In his overview of perpetrator programmes, Morran (2013) highlights that evaluation studies have found most to be ineffective particularly when it came to their continuing use of verbal and psychological abuses. He also argues that they often presented women with unrealistic hopes that their partners may change and so they may stay in abusive relationships under this premise.

12. Westmarland and Kelly (2011) have identified three areas where the evaluations can fail: variations in methodological analytical approaches; disagreements over the interpretation of data and differing definitions of what the term 'works' means ' (2011: 22). Developing this, Westmarland and Kelly (2013) maintain that it is the definition of 'success' that needs to be addressed when determining the outcomes. For them, 'success' of the programme can be defined by six key areas regardless of whether the couple stay together or not. They determine that success of programmes needs to be much broader than an end to the violence. They list these as:

    1) an improved relationship underpinned by respect and effective communication
    2) 'space for action' and to make choices
    3) safety and freedom from violence
    4) safe, positive and shared parenting

5) Understanding for men of the impact of the violence
6) Safer, healthier childhoods (for children) where they feel heard and cared for (Adapted from Westmarland and Kelly, 2013).

13. Gadd's work also supported this measure. He argued that one of the indirect benefits of programmes, in this case the DVIP (Domestic Violence Intervention Project), was demonstrating that the work with men 'created a space for women to gain support and develop safety strategies' (2004: 179). Yet this was also used by some men to continue in their abuse of their partners. For example, often her support is determined by his continued participation in the programme; therefore if he withdraws, so does her own support programme (Westmarland and Kelly, 2012).

14. One of the first programmes used and developed in Scotland was CHANGE based upon the Duluth model. Dobash et al (1999) evaluated the CHANGE project in Scotland alongside Lothian Domestic Violence Probation Projects. Initial evaluations were positive, *'men successfully completing one of the criminal justice based programmes, in contrast to men sanctioned in other ways, significantly reduced the prevalence and frequency of their violence and significantly suppressed the range and frequency of their controlling and coercive behaviours'* (1999: 24).

15. However, the Dobash evaluation study upon which further claims to success were built has since been questioned by several academics (Mullender, 2000; Gadd, 2004). Their original sample was found to be smaller than originally specified and the men questioned had been 'cherry picked' from a larger sample. The IDAP (Integrated Domestic Abuse Programme) was adopted by the Home Office in 2003. Although its purpose was to merge theory with practice it has been subject to criticism for its inflexible approach that does not take account of personal change (Morran, 2011); a theme also prioritised by Gadd (2004). Gadd (2004: 185) suggests that to work with men who have been violent we need to look at 'the various transitions that have led to violent men's offending behaviour and subsequent criminalisation.'

16. Currently in Scotland, the Caledonian System is implemented in thirteen Scottish local authorities. It is an integrative model that works with both men who have been abusive and women and children who have experienced the abuse based upon a risk and needs assessment. There are three integral components to the service: a men's service, a women's service and a children's service. It exists within a wider supportive system of multi-agency working. The system was developed for the Scottish Accreditation Panel for Offender Programmes and the Equality Unit of the Scottish Government. There is continuing support for men once they have completed the programme.

3.3 Good Practice

1. In their review of literature on desistance and IPV (interpersonal violence) Walker et al (2013: 277) examined why men stopped being violent in a relationship, although found very little evidence to make a clear judgement on the role of interventions or programmes on men's capacity for change. Saunders and Hamill (2003) concluded after looking at more than thirty evaluations of programmes that many are not supported by robust evidence based findings. The research has highlighted that there is no 'quick fix' and that any programmes need to be long term with robust evaluation frameworks.

2. Gondolf (2002) carried out evaluations of four programmes in four cities in the United States following 840 men and 481 of their partners over a period of four years. After the two and a half year follow-up over 80% had not assaulted their partner leading Gondolf to conclude that 'the outcome evidence appeared to support the intervention systems and counselling programmes for men arrested for domestic violence (Gondolf, 2002: 129). Gondolf (2012) maintains that 'batterer programmes' are at a 'critical juncture' and to be successful need to engage men, continue with risk management and develop better coordination between courts and services. Bowen et al. (2002: 222) look towards forms of rehabilitation being achieved where the direct causes of the crime are challenged. In view of this two projects are ongoing: a multi-site research in perpetrator programmes (Project Mirabal) and a DAPHNE III project looking at perpetrator programme evaluation across Europe: (IPACT).

3. Morran calls for such interventionist programmes to become more personalised rather than a one size fits all approach. This is echoed by Williams (1994) maintains that ethnically sensitive group treatment are part of a necessary package where the significance of 'race' and culture are addressed. Morran cites the success of programmes in the US that have included 'formerly violent men as advocates of change (2011: 30).

4. Following on from this is a call for supportive networks to continue after the programmes end (see Morran, 2006). Morran's critique of perpetrator programmes looks at the discrepancy between evaluating an 'end point' to the detriment of 'the wider dynamics in men's lives which impacted positively or negatively on their behaviour and capacity to change' (2013: 306). Whilst he acknowledges it is difficult to trust men who have spent their lives lying to and controlling those around them, he points out the need to focus upon those men who are engaging in positive personal change as a result of completing programmes. This process is not immediately measurable however, so there is a need to look beyond simple outcomes targets, a sentiment supported by much of the literature referenced above.

5. Morran's (2011: 26) overview of the evaluations suggests that attention needs to be paid to research and practice experience alongside the potential of 'new counselling approaches and innovations' (as identified by Gondolf, 2002). One such example of this is 'Respect', a national membership organisation that develops, delivers and supports services for perpetrators and 'victims' of domestic violence. Within its remit is: training, accreditation, research, awareness raising and phone line support. The accreditation services offer 'Safe Minimum Standard Framework' and also full accreditation.

6. Respect (http://www.respect.uk.net/) details national standards that are required to be at the core of a programme: the offender's own responsibility for his behaviour; acknowledgment that it is his choice to use violence when he does so; to contest myths and victim blaming; and to challenge expectations of men's power. Gadd (2004) identifies that in the UK (specifically England and Wales) such programmes have become more mainstream with the 'National Probationers Network' working towards establishing minimum standards and delivering best practice. This has progressed further with commercial training suppliers delivering the training leading, a move by the Home office to standardise the interventions around a 'pro-feminist cognitive behavioural model' (Gadd, 2004: 174).

7. Organisational accreditation is perhaps one way of circumventing the issues around problematic evaluations. Respect ensures that those organisations working under this remit are 'capable of managing risk and safeguarding concerns'. Accreditation is intended to ensure that 'members of the public, funders, commissioning agencies and other professionals can be assured of a high quality, safety-focused service from organisations accredited by Respect. (http://www.respect.uk.net/pages/accreditation-project.html)

8. Currently accredited programmes:
    o Living Without Violence Programme (Brighton)
    o Domestic Violence Intervention Project (DVIP) (London)
    o Ahimsa (Plymouth)
    o DVPP (Barnardos North East) (Newcastle and Co. Durham)
    o Splitz Support Service
    o Essex Change - North Essex Relate - (Essex)
    o Choose to Change - (North Wales)
    o STDAPP - (South Tyneside Domestic Abuse Prevention Project) Hampton Trust (Hants.)
    o InPACT, Knowsley Domestic Violence Support Services (Kirkby, Liverpool)

9. Projects that have met the Safe Minimum Practice requirement:
    o Fresh Start (Buckinghamshire)
    o Arch (North Staffs.)
    o DVIP (London)
    o Walsall Domestic Violence Forum / Spurgeons

- o Harbour
- o Relate Greater Manchester South
- o My Time CIC
- o National Children's Centre (Huddersfield)
- o Working With Men (Edinburgh)
- o The Jenkins Centre (Leicester City)

4   Tackling Stalking

4.1 Introduction

1. Stalking is increasingly recognised as a significant and widespread problem. Stalking occurs when one person repeatedly intrudes on another to such an extent that the recipient fears for his or her safety (Mullen, Pathé and Purcell, 2009). It often involves a long-term pattern of persistently following or contacting a victim, communicating with them and other intrusions into their privacy. By definition, it is a form of repeat victimization, that is, behaviour constituting a series of incidents rather than a single criminal act. Stalking incidents tend to become more threatening and fear-inducing, and can sometimes be a precursor to serious violence. Stalking is often linked to domestic abuse, although it frequently involves perpetrators who are acquaintances or strangers to the victim.

2. Much of the research literature on stalking has focused on its effects on victims and, to a lesser extent, on the various strategies used by victims to deal with stalking. The fear induced by stalking, the drastic way it disrupts victims' lives, and the real dangers faced by many victims all demand effective intervention. Yet, very little research has examined interventions and strategies which have targeted perpetrators. Stalking is difficult to investigate, prosecute, and prevent. There is, as yet, a limited pool of evidence concerning the effectiveness of policies and practices to deal with it.

4.2 Policing Strategies

4.2.1 Rationale

1. Policing strategies to prevent stalking are increasingly sought to provide a proactive 'front-line' response to both victims and perpetrators. Policing strategies in relation to suspect interventions range from the use of Police Information Notices (PINS) which are notifications from the police to an individual who is subject to an allegation by another person that there has been an incident which has caused them to feel alarmed and/or distressed, to community-focused policing strategies which incorporate early identification of problems and allow for targeting of potential

perpetrators, to integrated multi-agency working arrangements which are designed to maximise information sharing.

4.2.2 Effectiveness

1. PINs are not formal police cautions, they have no statutory basis, and signing one does not imply that the alleged harassment or stalking has taken place. However the police may use them in future legal proceedings. The decision about whether to issue them is purely an operational matter for the police. Very few evaluations have been undertaken in relation to PINs; those that have found that PINs were either ineffective or, at best, only partially effective. PINs were most effective when given to first- time or low-level offenders.

2. In the US, the National Center for Victims of Crime (2002) identified community oriented policing approaches, which incorporate early identification of problems and early intervention to enhance victim safety and prevent repeat victimization, as most effective in prevention of stalking.

3. Multidisciplinary approaches are considered effective ways to reduce stalking violence risk. Maxey (2002), in a study of the San Diego Stalking Strike Force, suggests that an effective anti-stalking team usually includes law enforcement and criminal justice personnel, mental health professionals, and victim advocates and/or supporters, working together and sharing information.

4.3 Restraining Orders and Civil Injunctions

4.3.1 Rationale

1. Restraining orders, known variously in different jurisdictions as protective injunctions, intervention orders, apprehended violence orders, or non-molestation orders are often a first-line approach to stalkers. These orders are a civil remedy and as such they have the effect of pitting the victim against the stalker, and they can only be enforced once they have been breached. Whilst in some jurisdictions, orders are victim precipitated, in others, such as England and Wales, courts can impose restraining orders as a condition of sentencing. Any subsequent prohibited contact with the victim constitutes a breach of the order, potentially punishable by a prison sentence with a substantial maximum penalty.

4.3.2 Effectiveness

1. Court-imposed restraining orders overcome the difficulties often encountered with the victim-initiated system, such as lengthy and potentially dangerous delays between the application and hearing and the expense to the victim of petitioning the court and obtaining legal representation.

2. In some jurisdictions, such as Australia, intervention orders (IOs) are commonly used by the court to try to curtail stalking, however their effectiveness is not yet fully established. Studies which examined breach rates among adult stalkers found that they ranged from 35 % in a small Finnish sample, to 80% in a large Australian forensic sample (Hakkanen, Hagelstam and Santtila, 2003; McKenzie, 2006).

3. In an Australian study which examined the use of intervention orders in cases involving youthful stalkers (Purcell et al., 2009) the results indicated that only six percent of youth were charged with breaching an IO. However, the optimism of such a low breach rate needs to be tempered by the finding that the majority of IO applications were not granted, predominantly due to the applicant failing to proceed with their case. The study was unable to determine why applicants discontinued or failed to appear at the court hearing, for example, whether it was because the applicant was fearful of proceeding, or whether the interim order was perceived as futile or effective by the time of the court hearing (Purcell et al., 2009: 5).

4. Tjaden and Thoennes (1998) reported that 81% of male and 69% of female victims who obtained a restraining order claimed that it was violated by their stalker. Research has found that restraining orders tend to be less effective in certain types of stalker (Tjaden and Thoennes, 1998). For ex-intimates, particularly those individuals who have a deep emotional investment in the relationship, the personal humiliation of being rejected can be exacerbated by the perceived public humiliation of a restraining order, with occasional violent consequences. In the case of deluded stalkers, such orders are irrelevant or are regarded as a further test of their love and devotion. As in the case of domestic abuse, not only can such injunctions fail to resolve the stalking, but they may in some cases exacerbate the problem.

5. Responses to rape and sexual assault

5.1 Rape and sexual assault prevention programmes

5.1.1 Rationale

1. Increasingly, prevention programmes for rape are offered as part of attempts to reduce the number of rapes in a community by educating both potential perpetrators, and potential victims, by raising awareness of rape mythology and misconceptions, with the aim of attitudinal change.

2. Such programmes are often targeted at 'high-risk' groups of victims and perpetrators, focusing mainly on high school and university students. The content of programmes varies across communities and jurisdictions, but most try to deal with issues related to the legal definitions of rape, the negotiation of consent, and the likely consequences of rape. Some incorporate a gendered analysis of rape, and focus on masculine/feminine roles and social expectations. Relatively few focus on the responsibilisation of perpetrators, and most focus on risk reduction strategies and, in particular, what potential victims might do in order to avoid being raped (Townsend and Campbell, 2006). As such, these programmes have been subject to criticism for a primary focus on risk avoidance.

3. The underpinning rationale for prevention programmes that specifically target potential perpetrators is that by changing male attitudes towards rape and developing their understanding of the impact of rape, will lessen the likelihood of them participating or supporting sexual assaults in the future. Garrity (2011) points out that caution must be used with these programmes as they should not treet al.l males as potential perpetrators, but as allies in the attempt to prevent future rapes from happening (Garrity, 2011: 47).

4. There are a number of different models that a rape prevention program may utilise as the philosophical or theoretical base to its intervention methodology. For example, some are held in gender-specific or mixed groups, target 'high risk' victims or perpetrators, or both. Some are taught by peers, a senior student, or by professionals; they can take place in a single session or over multiple nights, and can be video or discussion led.

5. In the US, due to the high number of rapes occurring on higher education campuses, campus, it is now mandatory for any university and college that receives federal funding to provide sexual assault prevention programming (Anderson and Whiston, 2005:374).

6. Best practice interventions within media, culture and education aimed at effecting attitudinal change should operate across different levels at the same time; for example individual programmes, relationship approaches, community and societal approaches (Walby et al., 2013). Community and societal interventions in particular have been underutilised (Krug et al., 2002). Increasing the visibility of sexual violence in society is a primary aim, as well as challenging societal and cultural norms of sexual violence towards women. Intervention to empower peers (including male peers), families and communities to be able to foster a culture against sexual violence, as well as to potentially intervene in situations of sexual violence, is also seen as a positive approach. It is recognised, however, that in practice it is difficult to identify persons or groups able to take ownership at community level (Walby et al., 2013).

5.1.2 Effectiveness

1. Although there are numerous rape and sexual assault programmes developed in the US, Canada, Australia, and increasingly used in the UK and other parts of Europe, there is little robust empirical evidence that critically evaluates the effectiveness of such programmes. Some evidence has been found that short-term positive changes occur in rape-supportive attitudes and rape-myth understandings within prevention programme participants (Anderson and Whiston, 2005; Choate, 2003; Garrity, 2011; Hillenbrand-Gunn, Heppner, Mauch and Park, 2010; Stephens and George, 2008) and findings suggest that both men and women leave the programme with a better understanding of rape, its legal definition, and the effects of rape. However, there is little known about long-term effects of such programmes and, particularly, whether attitudinal changes result in behavioural changes (Anderson and Whiston, 2005: 374; Hillenbrand-Gunn et al., 2010) or if they contribute to a reduction in rapes (Garrity, 2011).

2. Prevention programs are thus effective at creating short-term changes in rape-supportive attitudes and increasing general knowledge regarding the legal definition of rape and preventative steps to 'keep safe' on a school campus.

3. The strongest evidence in terms of evaluation of attitudinal change appears to exist in the education of boys and young men (Foshee et al., 2004; Foubert, Newberry, and Tatum, 2007). However, although the education of college students is encouraged, some argue that this does not constitute primary prevention since they may have already experienced (or been involved in) sexual violence (Walby et al., 2013). There is some evidence that single sex programmes are the most effective (Walby et al., 2013).

5.1.3 Good Practice

1. Anderson and Whiston (2005) conducted a meta-analysis of 69 rape prevention programs offered on North American post-secondary school campuses in order to identify common themes and good practices among the various strategies used. They found that longer sessions had greater impact on rape knowledge and attitudes; that the programmes were more effective if taught by a professional and focused on one topic rather than an amalgamation; and programmes that focused on gender-roles, discussed rape-myths and addressed risk-reduction strategies worked better than rape empathy programs or those of unspecified content. They also found that there was minimal difference between mixed and gender-specific programs, although it was recognised that no one particular strategy was effective for all individuals (Anderson and Whiston, 2005: 385).

2. Choate (2003) analysed the Men Against Violence model used by student organizations across the US which focuses on awareness, community action, education, and support. A peer-run program of an hour long discussion session was held in seven fraternities on a college campus. The program was found to be effective in challenging rape-myths, improving the men's understanding of what rape is and their attitudes towards perpetrator behaviour. There was no evaluation of behavioural change in the male participants and no follow up to see if long term changes were maintained.

3. Stephens and George (2009) conducted a study of an intervention directed at med- and high-risk male populations on American college campuses. The program utilised a 50 minute educational video that addressed rape-myths and challenged rape-supportive attitudes. Positive changes in the men's attitudes were found with "reductions in rape myth acceptance and an increase in victim empathy [were] sustained at the 5-week follow up" (2009: 1007). The researchers did note that high-risk males had much lower attitudinal changes after intervention, suggesting that rape prevention programmes are not suitable for all levels of risk.

4. Evaluating the Men as Allies programme, which focuses on social norms and perceptions of peer beliefs as well as rape-myths and attitudes, Hillenbrand-Gunn et al. (2010) conducted a study of over 200 high school students. Over the course of three 45-minute sessions, men were presented as allies in the attempt to prevent sexual assaults through a variety of educational videos and discussions. Hillenbrand-Gunn et al. found that perceptions of peer attitudes coincided with a change in participant's attitudes for both male and female students, which held up after follow up (2010: 50).

5. Garrity (2011) looked at seven programs that mainly used group education models led by a trained peer for a single session. She found that "small, same sex, peer led, group meetings that specifically the pertinent issues of sexual assault can foster improved understanding of sexual assault" (Garrity, 2011: 45) and change rape-supportive attitudes; these results were maintained after a seven-month follow up.

6. These studies suggest that good practice for rape prevention programmes should be longer than one session, taught by a professional or trained peer, held in smaller groups or mixed or same sexes, and focus on changing/improving gender roles, and challenging rape myths and rape-supportive attitudes. These programmes can target male or female populations and still have a positive effect on attitudinal changes, though researchers also found that "the intervention group did not reduce the amount of self-reported sexually coercive behaviour however, which bring into question whether the positive attitudinal changes would actually lead to behaviour change." (Stephens and George, 2009: 1007).

7.   Southampton Talking About Relationships (STAR) is run by the Southampton Rape Crisis Centre and delivers workshops to young people (male and female) in schools, colleges and other locations in the local area (Walby et al., 2013). The programme covers a range of issues including healthy relationships, internet safety and cyber bullying, and also acts as a link for young people who may wish to access the organisation's rape counselling service. In addition, the workshops cover the wider issues of gender stereotypes and media influences on social and cultural norms regarding women and sexual violence. There has not been a formal evaluation of the STAR project, however some promising indicators have been found: since its inception referrals of young people to the Southampton Rape Crisis Centre Counselling Service have increased by six times.   Surveys have also shown that 85% of young people involved had improved their understanding of the various issues surrounding healthy relationships, sexual assault and the issue of consent, as well as where to get help if they were in a situation of sexual violence.

8. #talkaboutit is a Swedish project is focused on issues of consent, and how women may not perceive an act as rape under certain circumstances (Walby et al., 2013). The campaign aims to challenge women's perceptions and reinforce that the act does not have to be violent nor committed by a stranger for it to constitute a rape, and also to lessen the stigma involved in discussing it for those who have been victims of sexual violence. The project is innovative in that it initially used social media (Twitter), however the message quickly spread to other media across different countries. This is a good example of how a campaign need not rely on traditional media institutions in order to gain momentum.

5.2 Rape Risk Assessment

5.2.1 Rationale

1. The use of community supervision for sex offenders has generated intense public debate. Cases involving sex offenders who re-offend once released into the community have prompted legislators, the media and local communities to focus on the risk sex offenders pose to public safety and the most appropriate means of dealing with this unique offender population.

2. In research on sex offender recidivism, there is a great deal of variation in the offender populations studied, the size of the sample, the definition of recidivism, the length of the follow-up period, and in the use of control or comparison groups (Furby et al., 1989; Prentky et al., 1997). Most studies are of only those persons released from prison or prison-based treatment programs, and most typically these studies sample a mixed group of sex offenders. Recidivism studies of those convicted of the same type of sexual offense, such as rapists, are less common. Recidivism is frequently defined in terms of either a re-arrest or, even more commonly, a reconviction for a new sex offense, although there has been some effort to extend the definition of recidivism to include the commission of a violent non sexual or indeed any new criminal offense. Given differences in the nature of the sample studied, the length of observation and the definition of recidivism, it is not surprising that reported rates of recidivism among sex offenders vary widely.

3. For sexual offenders, it has been argued that clinical evaluations are only 33% accurate in their assessments of an offender (Ducro and Pham, 2006: 16), producing a high number of 'false negatives' (Hood, Shute, Martina, and Wilcox, 2002: 388) where offenders marked as 'high' risk are not actually reconvicted. To try and produce a more consistent and accurate prediction of reconviction rates, criminal justice workers are making use of actuarial risk assessment tools, though the tools used vary by criminal justice system and type of offence. Risk assessment tools were introduced into the criminal justice system in the early 1990s and are used to assess the likelihood of a prisoner reoffending. An assessment of low, medium, or high risk of reoffending can effect parole board decisions, parole and maintenance conditions, and treatment possibilities.

4. The use of risk tools to identify and manage risk of re-offending is both methodologically and conceptually contested. Defining and measuring risk factors is considered problematic; the interpretation of risk factor evidence is difficult, and there is a danger of collapsing of the distinction between causes and correlates.

5. Sex offender recidivism research has been characterised by a distinction between static and dynamic risk predictors (Grubin, 1999). Static risk factors are those relatively unchangeable factors, such as the offender's age, educational history, employment and criminal history, and history of alcohol and drug use. These factors along with select socio-demographic characteristics of the offender have been used to create a number of actuarial risk prediction scales, including the 12-item Violence Risk Appraisal Guide (VUG) (see Harris et al., 1993), the 10-item Sex Offender Risk Appraisal Guide (SORAG) (see Quinsey, Harris, Rice and Cormier, 1998), the 4-item Rapid Risk Assessment of Sexual Offense Recidivism (RRASOR) (see Hanson, 1997) and the 10-item Static-99 (Hanson and Thornton, 1999), each of which has been found to be associated with recidivism (see Barbaree et al., 2001; Hanson and Harris, 2001; Nunes et al., 2002).

6. When assessing sexual offenders, Static-99 is the most commonly used tool in the UK (Hanson, 2006: 343), Canada, and the United States (Craissati, 2005: 410); though it is by no means the only risk assessment tool used with sexual offenders.

7. Dynamic risk factors include characteristics of the offender which are more subjective in measurement and more malleable over time (Gendreau et al., 1996; Hanson and Harris, 2000; 2001). Dynamic factors, which can be the focus of intervention and treatment, are of two types: stable and acute. Stable dynamic factors are expected to remain unchanged for months, or even years, whereas acute dynamic factors change rapidly. Stable dynamic factors which have been found to be associated with sex offender recidivism are positive social supports, especially from family members (Hanson and Bussiere, 1998; Hanson and Harris, 2000), deviant sexual preferences (Hanson and Bussiere, 1998), use of alcohol and illegal substances (Hanson and Harris, 2000; 2001), access to victims (Hanson and Harris, 2000; 2001) and self regulation (Hanson and Harris, 2000). Acute dynamic factors, which are the more fluid and more proximate causes of recidivism, have received less systematic attention by researchers. Efforts to identify significant acute dynamic factors have produced inconsistent results, but there is some suggestion that sex offender recidivism is associated with the offender's willingness to accept responsibility for his actions (Hanson and Bussiere, 1998; Lund, 2000) and with such emotional states as impulsivity, anger and negative moods (Hanson and Harris, 2000; 2001). Further, the offender's motivation for treatment and cooperation with supervision have been found to be important predictors of subsequent reoffending (Dempster and Hart, 2002; Hanson and Harris, 2000). However, efforts to weight static predictors versus dynamic predictors are undermined by the fact that the distinctions between a static predictor and a stable dynamic predictor often are blurred.

5.2.2 Effectiveness

1. In order to improve accuracy, risk assessment tools attempt to be more systemic and actuarial than professional assessments. Clinical evaluations specify items to be considered, but risk assessment tools specify items to be considered and "provide explicit methods for combining these items into an overall evaluation" (Ducro and Pham, 2006: 16). This is seen by proponents as making them more consistent, accurate, and able to translate between criminal justice uses and systems.

2. In working with sexual offenders, it is important to note that their overall reconviction rate is relatively low, with some studies showing 7% (Hood et al., 2002: 379) and 10% (Craissati, 2005: 406) of all sexual offenders reoffending either sexually or violently. Hood et al. (2002) found that the Static-99 in particular has a sound predictive ability. None of the offenders categorized as 'low risk' were reconvicted four years after release, only 2% of 'low-med' risk offender were reconvicted, and 27% of those marked as 'high risk' were reconvicted (2002: 388).

3. Caution must be taken when using risk assessment tools as they typically only measure static, historical factors (Hanson, 2006: 244; Ducro and Pham, 2006: 16). This is a limitation for risk assessment tools as they miss such dynamic factors as intimacy deficits, social influences, pro-offending attitudes, sexual self-regulation and general self-regulation (Craissati, 2005: 411-412). It should be remembered that risk assessment tools, such as Static-99, are tools to be used in determining the level or risk an offender presents – they are not infallible and they are not absolute.

5.2.3 Good Practice

1. In one evaluation of risk assessment tools used with sexual offenders, Hood, Shute, Martina, and Wilcox (2002) compared the risk ratings and reconviction results between a panel of clinical evaluations and the Static-99 tool. The information presented for both assessments came from a police dossier that included police report, court transcriptions and a social inquiry report. Of those being assessed for parole/release, 60% were child abusers and 40% were adult rapists. The results found that 57% of prisoners were assessed as 'high risk' by the professional panel, but only 13% by Static-99 (2002: 388). As only 27% of 'high risk' prisoners were reconvicted, Hood et al. (2002) found that the professional panel produced a large number of 'false positives', overestimating the number of sexual offenders who would reoffend, whereas Static-99 did not. Here, they felt that for policy development and parole possibilities, Static-99 would prove effective in reducing the number of false positives and help to produce a more accurate reading of sexual offenders (2002: 390).

2. However, in using Static-99 or similar risk assessment tools, it is important to be aware of their variable prediction power. Hanson (2006) found that advanced age impacts the predictive ability of sexual offender risk assessment readings. As an offender ages, they produce a curvilinear effect on Static-99 risk assessments, with 30 years of age being the peak for accurate risk readings (2006: 351) and a decline in thereafter. The older an offender is when they are released, the less likely they are to reoffend (common across offense types), however, as Static-99 and other risk assessment tools use static factors (such as criminal history) which do not change, the risk assessment tends to categorize older offenders as higher risk then what they actually turn out to be. This should be considered when using risk assessment tools with sexual offenders.

3. In using risk assessment tools with sexual offenders, it is important to know which tools works best for which type of offense. Ducro and Pham (2006) compared the accuracy of Static-99 with SORAG (Sexual Offender Risk Appraisal Guide) on child abusers, adult rapists, and mixed victim offenders. Static-99 uses ten variables that assess demographics, criminal history and victim characteristics, whereas SORAG makes use of 14 variables that assess demographics, early behaviour problems, psychiatric diagnosis, and criminal history (2006: 16-17). Of the 147 male prisoners from a high-security psychiatric hospital in Belgium, 64% were child abusers, 25% were adult rapists and 12% were mixed offenders. Ducro and Pham found that both risk assessment tools showed moderate to strong predictive power, however, Static-99 showed a stronger relationship with general recidivism than sexual recidivism and was more accurate for child abusers than rapists. SORAG, on the other hand, showed a stronger relationship with sexual recidivism and was more accurate for rapists than child abusers. The author's conclusions were that criminal justice professionals should not use just one risk assessment tool, but a combination to ensure a more accurate picture.

4. Risk assessment tools are generally seen as more consistent than clinical evaluations. There are, however, components to keep in mind that affect the validity of each risk assessment tool; mainly the use of static factors and the impact this has on a prisoner, especially as it does not allow for adjustment of age. It is recommended to therefore use multiple tools in order to come to the most comprehensive assessment.

5.3 Perpetrator Treatment Programmes

5.3.1 Rationale

1. In many jurisdictions, treatment programmes for convicted rapists are provided in prison at least two years prior to release in individual and group therapy sessions "because most incarcerated sexual offenders return to the community, effective treatment is a cornerstone of preventing future offences" (Schmucker and Losel, 2005: 117). Programmes vary both in principle and practice across different criminal justice systems. Though therapy principles and implementation techniques will differ, the aim of most sexual offender treatment programs is to protect the public by preventing perpetrators from reoffending by "increasing the offenders motivation to avoid reoffending and to develop self-management skills necessary to achieve this" (Harkins and Beech, 2008: 35).

2. Whilst therapy principles and implementation techniques differ, the stated aim of most sexual offender treatment programmes is to protect the public by preventing reoffending by "increasing the offenders motivation to avoid reoffending and to develop self-management skills necessary to achieve this" (Harkins and Beech, 2008: 35).

3. Sex Offender Registration and Notification (SORN) is currently used in Scotland, and widely used elsewhere, however the notification aspect here is limited to a minority of individuals (e.g. a parent who may have particular concerns) rather than wider community notification such as exists in the US. SORN has four purposes; to allow police to be aware of the offenders' whereabouts, as a deterrent against re-offending, as a deterrent for potential offenders, and to inform the public where necessary in order to protect them.

4. The Good Lives Model has been hailed as best practice (Walby et al., 2013) in preventing re-offending amongst sex offenders. The model is community based but managed by offender management services, and aims to equip offenders with the skills to lead a positive and productive life on the premise that this will make them less likely to re-offend. The model aims to teach offenders how to use appropriate methods to achieve the same goals that most people have (e.g. intimacy).

5. Surgical castration of sex offenders is currently only practised in Germany and the Czech Republic, however it was previously used more widely in Europe. In the US, in the states of Texas and California surgical castration is mandatory prior to release for the most serious repeat sex offenders. In other US states the practice is optional in return for a reduced sentence. Ethical issues, particularly those pertaining to consent, are likely to prevent this practice becoming widespread. Moreover, there is debate

about the fundamental assumption of this treatment, namely that sexual crimes are biologically driven.

6. Hormonal treatment, popularly referred to as chemical castration, is an alternative to its surgical equivalent, and is used more widely but generally on a voluntary basis. A similar debate exists concerning hormonal treatment regarding the biological versus psychological drive of sexual offences.

5.3.2 Effectiveness

1. The effectiveness of Sexual Offender Treatment Programs (SOTP) can be difficult to determine for rape offenders in particular.   Not all sexual offenders are offered treatment, relatively few rapists complete treatment programs, and even fewer programs are designed specifically for rapists (Wilson, Kilgour and Polaschek, 2013: 528). As such, results for SOTP are often more reflective of offenders with a child molestation or child sexual assault offence then for adult rapists. The results vary and should be used cautiously (Beech and Hamilton-Giachritsis, 2005) when referencing 'sexual offenders' as a whole and homogenous group.

2. Marques, Wiederanders, Day, Nelson and Van Ommeren (2005) conducted an evaluation of California's first Sexual Offender Treatment and Evaluation Program that ran from 1985-1995 with a five year follow up and found that that was no statistically significant difference in reoffending rates between treatment and control groups. However, they commented that this is "unlike current treatment" (2005: 98) and should be analyzed differently as release from prison was unrelated to treatment progress or perceived offence risk (2005: 101).

3. However, in an international meta-analysis, Schmucker and Losel found that there is an overall positive and significant effect on recidivism rates for sexual offender treatment groups across the western worlds (2005: 135). This is supported by Pelissier's findings that rapists who complete the treatment have a lower recidivism rate than those that dropout (2007: 334). Effectiveness of SOTP is measured exclusively by the recidivism rates of participants upon release.

4. Schmuker and Losel (2008) found that cognitive behavioural therapy (CBT) was the only behaviour modification treatment which consistently showed positive results. In their review of 35 studies, offenders had an increase in odds of not re-offending of 46% after this treatment.

5. Whilst SORN is a widely used practice, there is little evidence that it is effective in preventing re-offending (Walby et al., 2013). Evaluation of the efficacy of the SORN system is difficult as most studies are 'before and after' studies, often based on aggregate data, and this is not seen as an accurate way of evaluating data. Moreover, most of the evaluation has been carried out in the US. These evaluations had very

mixed results and overall, there was no strong evidence that the SORN system is successful in reducing re-offending.   Letourneau et al., (2010) also considered the potential negative effects of the SORN programmes on offenders, in particular in relation to them being a hindrance to the re-integration of the offender into society. Re-integration underpins some of the other work which has been viewed as successful in reducing re-offending, such as the Good Lives model. There was some evidence that the existence of a sex offender registry decreased public fear of crime (Anderson and Sample, 2008), however this study was in relation to a public registry which does not exist in UK.

6. The Good Lives model was trialled in Northumbria ,and offenders on this programme were found to have a more positive outlook than those not on the programme (Harkins, Flak, Beech, and Woodhams, 2012), however there was no information about whether the offenders actually went on to re-offend due to a short follow-up period and low base conviction rates. Moreover, The Risk Needs Responsivity Model is currently more widely used, and there is debate about whether the Good Lives model is an improvement on this.

7. Some studies have found that surgical castration is effective in reducing re-offending, however these studies are generally methodologically weak (i.e. they lack a control group) (Schmucker and Losel, 2008).

8. Schmucker and Losel (2008) found that hormonal medication was the most effective non-surgical intervention, however again the issue of a weak methodological standard was identified, primarily selection bias in that those choosing the treatment may already be less predisposed to re-offend. Randomised controlled trials are suggested as best practice to test the efficacy of hormonal treatment for sex offenders (Rice and Harris, 2011).

5.3.3 Good Practice

1. Sexual Offender Treatment Programs are most commonly offered in criminal justice settings and the community, and can vary in treatment method, composition of offenders, length of treatment, and voluntary or mandatory nature of participation. SOTP tend to take place in secure institutional settings (prisons or hospitals), use Cognitive-behavioural therapy as its prime treatment methodology, and are composed of a mixture of sexual offender types and voluntary and mandatory participants. This is, according to the evaluation literature, a good practice model if implemented correctly.

2. One of the most comprehensive evaluations of international Sexual Offender Treatment Programs was conducted by Schmucker and Losel in 2005. Of the 22,000 offenders and 70 programs analysed, they found that half of the studies were conducted in an institutional setting, half used CBT as the primary model, and half involved a

mixture of group and individual therapy sessions. Though they tried to focus on rape and rapists, only 55% of offenders identified as rapists, the rest were convicted of child molestation or other sexual behavioural offences. The researchers concluded that physical treatment was superior to psychosocial treatment models, though noted that chemical castration and hormonal therapy were rarely used and raised significant ethical concerns. CBT and other psychosocial therapies (such as classical behavioural therapy and therapeutic community models) did yield positive results and recidivism rates dropped an average of 37% between control and treatment groups (2005: 135), with volunteer and adolescent participants fairing better than mandatory and adult treatment groups (2005: 138). Schmucker and Losel found that "Only programs designed specifically for sex offenders had a significant effect. The few others even showed a negative outcome." (2005: 129).

3. An SOTP pilot project in New Zealand that did focus exclusively on high-risk rape offenders in prison was evaluated by Wilson, Kilgour, and Polaschek (2013). This program used a CBT model to address distorted beliefs, emotional management and coping strategies. Researchers found that a clinically significant change was documented in participants, though all had areas that they needed to continue to work on after the completion of the program (2013: 538). The pilot showed good retention of participants, improvement in personality functioning, and a clinically meaningful amount of risk-related change (2013: 542) among those participating. Though the final programme now offered in all New Zealand prisons has a lower success rate, it still shows positive results for high-risk rapist's attitudinal and behavioural changes. No results are ready yet for recidivism rates as the programme is new.

4. Other evaluations chose to focus on particular aspects of the SOTP models. These will be used to try to convey a detailed description of a good practice model supported by literature and evaluation for the criminal justice treatment of rape perpetrators.

5. As most SOTPs include all types of sexual offenders, and rarely offer treatment to subgroups based on offences like rape, it is important to understand the effect group composition has on treatment outcomes and measures. The research literature shows that mixed groups can help to prevent collusion of offence types but can also create subgroup disruptive divisions. Harkins and Beech (2008) undertook an evaluation of a programme that ran for 100 hours and was offered to one group of adult sexual offenders, three groups of child sexual offenders, and fifteen groups of mixed offenders. It found no statistically significant difference in treatment outcomes based on group composition (2008: 39). This is supported by the same claim made by Beech and Hamilton-Giachritsis (2005: 136) and is supportive of current criminal justice practices of general sexual offender/assault treatment programmes offered in prisons.

6. A debated topic around institutional treatment programmes is the impact of voluntary versus mandatory participation. Some sexual offences and criminal justice responses require therapeutic treatment as part of a sentence, other programs are only offered on a voluntary basis to all sexual offenders. Jones, Pelissier, and Klein-Saffran (2006)

in a US study evaluated the impact volunteerism has on attrition rates of SOTPs. The residential programme offered by the Federal Bureau of Prisons lasts from 18-36 months, has a capacity of 112 beds, and serves mostly sexual offenders who have child-related offences.   The researchers found that "both internal motivation (recognition of a problem with sexual deviance and readiness to change sexual behaviours) as well as external motivation (recommendation by a judge at a time of sentencing) increased a person's likelihood of volunteering for sex offender treatment" (2006: 94) and increased their likely completion.

7. Following on from attrition rates would be factors effecting retention within SOTPs in prisons. Pelissier (2007) analysed the impact of static, dynamic and administrative factors on treatment retention for 250 sexual offenders that were sentenced for child pornography, rape, and other sexual offences. The SOTP under evaluation was a 112 bed residential intensive therapy program offered in a medium-security federal prison in the United States. Over 46% of participants completed the programme, 20% dropped out on their own accord and 34% were discharged for disciplinary reasons. Those who completed the program were found to have higher levels of initial motivation, higher levels of education, and shorter prison sentences (2007: 342-343).

8. After evaluating composition and retention factors, it is important to understand the makeup of the therapy itself. Though CBT models were used throughout and have been found to be effective in general, Beech and Hamilton-Giachritsis wanted to evaluate the effect of group cohesion and therapeutic atmosphere of a SOTP. In an evaluation of twelve different SOTPs offered in six different medium-security prisons in the US, they analysed the effect of group cohesion and hostile versus supportive environments. The intervention involved 160 hours of group therapy, was offered by a specialized sexual offender unit, and was comprised of 82 offenders convicted of child sexual behaviour and 14 men convicted of rape against an adult. Researchers concluded that that a warm and supportive/cohesive group environment had a positive impact on reductions of pro-offending attitudes as compared to hostile group questions and relations (2005: 138).

9. Though this is by no means an exhaustive list of good practices determined through evaluation and research literature, it is difficult to obtain accurate information on Sexual Offender Treatment Programs within prisons or communities as evaluations are neither common practice nor standardized features. The above literature found that best results were achieved if a SOTP was comprised of all sexual offenders, offered group and individual treatment sessions, was conducted in a cohesive group environment, was voluntary, and followed a cognitive-behavioural therapy model. Though physical therapy had the lowest recidivism rates, this is not common practice within prisons and so psychosocial programmes were focused upon.

5.4 Criminal Justice Reponses to Rape and Sexual Assault

5.4.1 Rationale

1. Criminal justice systems operate to prevent rape by ensuring the perpetrator is accountable and by removing perceived impunity. However, most criminal justice systems are not effective in preventing rape due to high levels of attrition ('drop-out') and poor offender treatment programmes (Walby et al., 2013).

2. Criminal justice responses frequently induce 'secondary victimisation' whereby victims experience trauma as part of the investigative and judicial process. Victim-focussed criminal justice responses, such as specialist courts and trained personnel, aim to reduce secondary victimisation, and support victims to be more credible witnesses. This, in turn, reduces attrition rates, enables collection of more robust evidence, and helps to increase conviction rates (Walby et al., 2013).

3. Responses such as advocacy support offered to victims at time of reporting, are best developed via expert knowledge and specialist units. This also has the effect of improving inter-agency working, which in itself is seen as best practice (Walby et al., 2013).

5.4.2 Effectiveness

1. Prevention of rape through interventions in the criminal justice system is hampered by a lack of data collection and a lack of evaluation studies (Walby et al., 2013). There is a need for more systematic collection of data at a national level to enable robust evaluation of interventions.

5.4.3 Good Practice

1. The best practices within the criminal justice system are those which increase conviction rates whilst preventing secondary victimisation (Walby et al., 2013). Specialist units are held as best practice, and mechanisms to ensure that the good work within these filter through into mainstream practices. Inter-agency working is often improved by specialist units, and effective inter-agency working itself is also viewed as good practice.

2. Specialist courts such as the Sexual Offence Courts in South Africa use a victim-centred approach and have been found to have much higher rates of conviction than other courts (70-90% compared to an average of 10%, South African Law Commission, 2001).

3. Specialist police investigation units and Sexual Assault Referral Centres (SARCs) can be the most effective in gathering forensic evidence in an environment which is the least distressing to the victim (Walby et al., 2013). It may also be useful for victim-survivors to have the choice for forensic evidence to be stored even if they do not wish to make a complaint. It is also suggested that the victim should have the choice of anonymised forensic samples being passed to the police for intelligence purposes (Lovett, Regan and Kelly, 2004).

4. The issue of perpetrators seeking potential victims online is one in which law enforcement often lacks the resources to tackle. The ISIS project, funded within the UK, involves the use of sophisticated text analysis software in order to identify age and gender deception, for the purposes of identifying adult offenders who are masquerading as children in order to commit sexual offences. In trials in the UK, this software was found to have an accuracy of 93% for identifying adults pretending to be children. A version of this has also been made available to children so that they can scan their own webchat (ISIS Forensics, 2013). The EU Safer Internet Programme uses image analysis software to identify online images of child abuse in peer to peer (P2P) networks (iCOP 2013). Challenges to this type of work include law enforcement across jurisdictional boundaries, rules regarding evidence, and the ethics of routine monitoring over the internet.

6. Commercial Sexual Exploitation

6.1 Introduction

1. Although the commercial sexual exploitation of women takes varying forms – including pornography and trafficking for sexual exploitation – there is a very limited literature on the effectiveness of measures designed to deal with perpetrators effectively and reduce re-offending. This element of the review, therefore, focuses on the issue of prostitution (and, for the most part on street prostitution) since this is an area that has received policy attention in recent years and where limited evidence is beginning to emerge regarding the effectiveness of interventions.

6.2 Preventing and deterring the purchase of sex

6.2.1 Rationale

1. Varying models of regulation relating to prostitution exist across different countries depending on whether the emphasis is upon prohibition, decriminalisation or legalisation (Mossman, 2007). In the UK and in other jurisdictions there has been a shift in emphasis away from the policing of the women involved in prostitution towards the policing of male kerb crawlers and an increasing recognition of women as more victims than offenders (Matthews, 2005). In England and Wales and in Scotland, where the act of paying for sex is not against the law, kerb crawling has become and soliciting for sex by women remains illegal.

6.2.2 Effectiveness

1. A number of measures have been introduced in recent years to reduce the demand for prostitution, with a particular emphasis on street prostitution, though there has been limited evaluation of their effectiveness. On the basis of a rapid evidence assessment, Wilcox et al. (2009) concluded that:
   1) *police clampdowns on kerb crawlers* tended to be localised and temporary with little discernible effect on detection;
   2) *awareness campaigns* seeking to clarify the legal status of prostitution and raise awareness of the consequences of prostitution may result in increased awareness (Willoughby and Lee, 2008) but with apparently little impact on behaviour;
   3) *community action* may be effective in reducing demand but unless effectively supported by other agencies (such as the police and prostitute support services) may result in vigilantism and displacement of other areas (see, for example, Sagar,2005);

4) naming and shaming schemes have not been evaluated but are likely to have damaging effects on both the men arrested – especially if they are innocent - and their families, with concern having been expressed that they may actually increase the risk of recidivism (see also Willoughby and Lee, 2008; Sanders, 2009);

5) *road management schemes* have been shown to reduce the incidence of kerb crawling in specific areas but little is known about potential displacement effects.

2. In Sweden, legislation was enacted in 1999 to criminalise men who bought sex while decriminalising women involved in prostitution. The evidence regarding the impact on demand for prostitution appears to be mixed and contested. Whilst it would appear that there has been a decline in street prostitution since the legislation was introduced, Wilcox et al. (2009) concluded that this may have been a result of a displacement of activity from the street to other venues and highlighted concerns that criminalisation of demand had resulted in increased risks for women (see also Campbell and Storr, 2001). A report commissioned by the Swedish Government indicated that street prostitution had halved between 1999 and 2008 and concluded that there was no obvious shift to other venues, but it also acknowledged the difficulties associated with estimating the extent of 'hidden' prostitution and the use of the internet as a mechanism for making initial contact (Swedish Institute, 2010).

6.3 Interventions for men who buy sex

6.3.1 Rationale

1. Educational programmes for men charged with kerb crawling offences have been introduced in North America and the UK with the aim of changing men's attitudes towards prostitution. The first programme of this kind – the First Offender Prostitution Project – was established in San Francisco in 1995 through a partnership between the District Attorney's Office, the Police Department and the organization Standing Against Global Exploitation (SAGE) (Shively et al., 2008). Aimed at men experiencing a first arrest for kerb crawling and centred on the harms caused by prostitution, it served as a blueprint for other 'John Schools' in the USA and elsewhere (Sanders, 2009) which typically focus on: the law relating to prostitution and the potential legal consequences of continued offending; the associated health risks; testimonials by women previously engaged in prostitution; sexual addiction and its management; community and business concerns about the impact of prostitution; and information about pimps and pimping (van Brunschot, 2003). Men who attend programmes – usually as an alternative to prosecution but in some cases as a condition of a court sentence – are required to pay a fee which is used to offset the programme costs.

2. The first educational programme for men arrested for kerb crawling was piloted in Leeds between 1998-9. Men charged with kerb crawling were offered an opportunity to attend the Kerb Crawler Rehabilitation Programme as an alternative to prosecution and to pay an £85 administrative fee for doing so (Campbell and Storr, 2001). The programme closed within two years as a result of intense criticism, a lack of proven effectiveness and the high costs associated with intensive policing to identify potential programme participants - campaigns such as these are resource intensive and typically result in relatively few arrests - though further programmes subsequently developed elsewhere in England and Wales (Sanders, 2009).

3. Although educational programmes of this type are intended to shift the focus of enforcement from prostituted women to men who buy sex, concern has been expressed that the methods employed to identify potential programme participants – typically police clampdowns employing decoys – may also result in the heightened policing of women who may then work in more isolated and less familiar areas to avoid the possibility of arrest and engage in shorter negotiations in which they are less likely to assess potential risks and put safety strategies in place (Campbell and Storr, 2001; Gillings and Willoughby, 2010). It has also been suggested that reduced demand as a result of the active policing of street prostitution may result in women having to work longer hours or in 'functional displacement' whereby women turn to other activities – such as shoplifting - to supplement their income because the underlying socio-economic factors are not addressed (Campbell and Storr, 2001; Scoular, 2004).

4. Kerb crawler programmes have also been criticised for the lack of clarity regarding their focus – for example whether they aim to stop all kinds of prostitution or only street based prostitution and whether they aim to raise awareness or bring about behavioural change – and it has been suggested that by focusing on street prostitution they – and the associated policing activity – disproportionately target working class and minority ethnic populations (Wortley et al., 2002; van Brunschot, 2003). It has been suggested that, despite the ostensibly voluntary nature of programme participation, some innocent men may agree to take part through fear of potential consequences of a criminal trial and that the requirement that the offer of diversion is based on an admission of responsibility means that police powers are expanded at the cost of due process safeguards (Fischer et al., 2002). The legal basis of programmes has also been questioned given that the activity that they focus on – the purchasing of sex – is not illegal in itself (van Brunschot, 2003; Sanders, 2009; Gillings and Willoughby, 2010).

6.3.2 Effectiveness

1. Sanders (2009:81) has argued that kerb crawler programmes that have been introduced in other jurisdictions "rarely last more than two years, and often funding is pulled because of limited evidence of effectiveness". The few published evaluations of these programmes appear to indicate that at best they may bring about changes in knowledge and some attitudinal change, but there is little evidence that they prevent recidivism.

2. The Sexual Exploitation Education Project in Portland, Oregon consisted of a 17 hour weekend workshop for men convicted of involvement in prostitution as a condition of probation or in return for a reduced fine. Monto and Garcia (2001) compared the 2 year rate of reconviction for prostitution-related offences among 91 men who attended the programme, 24 who were accepted onto the programme but failed to attend and 100 who were not ordered to attend and found no differences between the three groups, suggesting that arrest itself may have had a deterrent effect. Overall, however, reconviction rates were very low (1.4% after two years) and a similar percentage of men had prior convictions relating to prostitution, leading Monto and Garcia to suggest that police crackdowns using decoys may have resulted in the arrest of men who were not regularly involved in street prostitution.

3. In their evaluation of the Toronto John School, Wortley et al. (2002) examined attitudinal change among a sample of 366 men who attended the programme, using a pre- and post-programme survey. They found that following participation on the programme, men were more likely to accept responsibility for their behaviour, more likely to admit that they might have a sex addiction and less likely to report favourable attitudes towards prostitution. They also demonstrated increased understanding of the legislation and dangers associated with prostitution. However, there was no evidence that men were less likely to indicate that they would buy sex again after taking part in the programme, with most claiming that they would not do so prior to programme participation, leading Wortley et al. to conclude that the programme appeared to have no deterrent effect over and above arrest and criminal justice processing. Moreover, there was some evidence that it had the least effect with men who were classified as 'sex trade veterans' (having been involved in the purchase of sex on at least 5 previous occasions), fewer of whom demonstrated attitude change and more of whom indicated that they would or might use prostitutes again after completing the programme.

4. Kennedy et al.'s (2004) evaluation of the Prostitute Offender Program of British Columbia measured attitude change using a pre-and post-programme questionnaire among 341 men, most of whom had attended the programme as an alternative to prosecution[1]. They found changes in attitudes towards prostitution, towards women

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[1] Some had been ordered to attend the programme at the sentencing stage.

involved in prostitution and towards the purchasing of sex but, unlike Wortley et al. (2002), no differences according to men's prior experience of involvement in prostitution. Kennedy et al. speculated that apparent attitude changes may have occurred through men providing social desirable responses in order that their charges would be dropped and they acknowledged that in the absence of a control group of men who were charged but referred to a no-programme, whether and how much change could be attributed to programme participation could not be determined.

5. A long term evaluation of the First Offender Prostitution Program (FOPP) in San Francisco examined outcomes over a period ten years (Shively et al., 2008). As in the Toronto study by Wortley et al. (2002), analysis of pre- and post-programme surveys completed by 198 men revealed that participants were better informed about the consequences of engaging in prostitution but that their self-reported likelihood of soliciting for sex in future had not changed. The researchers concluded, however, from a comparison of arrest rates for men charged with soliciting in San Francisco and the rest of California in the 10 years prior to and following the introduction of the FOPP they concluded that there had been a drop in arrest rates in the year of implementation of the programme that had been sustained in subsequent years. The conclusion that their analysis pointed to the effectiveness of the FOPP has been contested by Lovell and Jordan (2012) on the basis that the methodology employed by Shively et al. was flawed. In particular, they point out that the two groups compared (San Francisco and the rest of California) were very different and that the rate of arrest in San Francisco – which had been significantly higher than the rest of California – was declining *before* the introduction of the programme so that any subsequent decrease might have come about for similar reasons to the initial decrease rather than as a result of the introduction of the FOPP. Lovell and Jordan further contend that the claim by Shively et al. of a 30-50% reduction in recidivism attributable to participation in FOPP is counter-intuitive, since such a reduction in recidivism would not be expected from a brief, low intensity intervention with no aftercare.

6. A final study by Jungels (2007) of a programme run by a prostitute support centre in a Midwest US city found some evidence of attitude change and while men rated the programme highly and indicated that it would change their future behaviour, there was no data available data on recidivism. Several commentators have noted that re-offending rates are, in any case, a poor indicator of the success of kerb crawler programmes both because of the low baseline rates of recidivism (Monto and Garcia, 2001) and because men may go elsewhere to buy sex (Sanders, 2009) or may take other measures to avoid detection (Monto and Garcia, 2001; Hughes, 2004). Wilcox et al. (2001) concluded from a rapid evidence assessment of measures to reduce the demand for prostitution that "arrests provide little information about clients' prostitute use and outcome studies based on arrest data may provide a misleadingly optimistic impression of effectiveness" (p.12).

7. Other studies have, through interviewing men who have bought sex, attempted to identify what types of intervention might deter them from doing so in future. Employing a similar methodology whereby men were provided with a list of possible deterrents, studies conducted in Glasgow (MacLeod et al., 2008; Farley et al., 2011) and London (Farley et al., 2009) found that men were most likely to say they would be deterred by being placed on the sex offender register, publicly exposed or imprisoned. In both studies, men were least likely to indicate that kerb crawler educational programmes would serve as a deterrent, with only 56% in Glasgow and 47% in London indicating this would be the case.

8. A further study conducted in London found that men were most likely to say they would be deterred from purchasing sex through fear of disease or if they had a regular sexual partner but relatively few mentioned criminal sanctions "suggesting that current law enforcement measures are not viewed as deterrents" (Coy et al., 2007: 15).

6.3.3 Good practice

1. From the preceding discussion it will be clear that there is currently limited empirical support for kerb crawler programmes in terms of their effectiveness in bringing about behavioural change in the men who are referred to them. It has been suggested that this may be partly because programmes have tended to focus on challenging attitudes and increasing knowledge about the impact of prostitution without equipping men with the skills required to change their behaviour (Wortley et al., 2002).

2. It has been proposed that interventions – and demand reduction strategies more generally - need to target men's motivations for buying sex (Coy et al., 2007; Willoughby and Lee, 2008) while Sanders (2009: .87) concludes that programmes "that are organised and administered by criminal justice personnel are not appropriate or adequate for the complexity of some men's psychological difficulties, but in fact could be dangerous if emotions are exposed and not addressed".

3. A more general message from literature is that any measures that are adopted to reduce street prostitution through demand reduction initiatives must be accompanied by exit and support strategies for women (Campbell and Storr, 2001; Hester and Westmarland, 2004) because displacement is otherwise likely to occur and may place women at greater risk. It has also been suggested that holistic approaches are more likely to be effective than approaches that entail the adoption of a single strategy alone (Hester and Westmarland, 2004; Willoughby and Lee, 2008).

6.4 Preventing and detecting violent victimization

6.4.1 Rationale

1. It has been widely documented that women involved in prostitution experience high levels of violence by clients, especially those engaged in street prostitution (Phipps, 2013) where estimates vary from 68% to 81% of women having experienced violence by a client (Penfold et al., 2004). Prostituted women are more likely than other women to experience sexual assault accompanied by physical injury (Neame and Heenan, 2003) and those working on the streets are more likely than those based in other venues to experience repeat victimization, more serious assaults, kidnapping and unlawful imprisonment and multiple forms of violence (Quarada, 2008). While the majority of prostitutes who are killed are killed by their clients (Penfold et al., 2004), women involved in prostitution are at risk from a variety of perpetrators (Phipps, 2013).

2. Women engaged in prostitution are often reluctant to report experiences of victimization to the police for fear of not being taken seriously or prosecuted and tend to take responsibility for preventing and policing violence themselves (Phipps, 2013), adopting a range of strategies to assess and manage risk (Sanders, 2004a and b). In various jurisdictions, 'Ugly Mugs' schemes (sometimes referred to as 'Dodgy Punter' or 'Bad Date' schemes) have been introduced to reduce the risk to women engaged in street-based prostitution, through encouraging and supporting the reporting of violence and the sharing of information about dangerous clients.

3. The first scheme of this kind was introduced in Victoria, Australia in 1986, with the first Ugly Mugs scheme in the UK developed by the SAFE Project in Birmingham in the 1990s (Phoenix, 2008). An extension of an existing Ugly Mugs scheme, led by the Linx Project in Merseyside, was subsequently funded in 2001 by the Home office as part of its Crime Reduction Programme. Through a partnership with outreach agencies, local health authorities and the police, the project aimed to reduce the incidence of violence experienced by women and to increase the detection and arrest of perpetrators through the production of incident report summary sheets and their distribution to street sex workers, the introduction of a telephone messaging system of partner agencies and the establishment of a computerised database of reports (Penfold et al., 2004).

6.4.2 Effectiveness

1. Ugly Mugs schemes have subsequently been developed across the UK, with the Home Office announcing the piloting of a scheme in Manchester in July 2012 with a view to national rollout on the basis that "the effectiveness of local Ugly Mugs schemes can…be an effective part of policing prostitution" (Home Office, 2011, p.33). Despite their growing availability, there is, as yet, limited evidence as to their effectiveness in reducing violence against street sex workers and increasing arrests. An evaluation of the Merseyside Ugly Mugs scheme found that, while most women interviewed had received summary reports and found them useful in identifying potentially risky clients, only 28% of incidents reported to Linx were subsequently reported to the police and, although Sanders (2004a) has suggested that Ugly Mugs schemes encourage women to be more proactive in preventing violence against them, most women interviewed had continued to experience violence in the previous 12 months (Penfold et al., 2004).   By March 2002, two convictions of violent clients had been secured that had utilised information provided by the scheme, though there were no baseline data available against which this outcome could be compared (Penfold et al., 2004).

6.4.3 Good practice

1. Penfold et al. (2004) argue that violence by clients is hampered by a conflict between public order and welfare imperatives, arising from the criminalisation of both women who are involved in prostitution and the men who purchase sex. The evaluation of the Merseyside scheme highlighted the importance of effective inter-agency working to maximise the usefulness to the police of information contained in incident reports and the need for police training to improve their relationships with women involved in prostitution so that the latter are more willing to pass on intelligence that might facilitate the detection and arrest of violent clients (Penfold et al., 2004). Penfold et al. identified outreach workers as having an important role to play in encouraging women to report incidents and make formal statements and supporting them as their case processed through the criminal justice process, while clear lines of communication between other agencies and the police facilitated the relaying of intelligence to support police investigations.

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