Restorative Justice Practices with Sexual Violence Offenders; Circles of Support and Accountability

“Restorative Justice and Probation” Conference
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Elizabeth Hayes - Chair CEP Sex Offender Special Interest Group & Advisor CIRCLES4EU
Overview of Presentation

- Introductions
- Sexual Offending in Probation in Europe
- Restorative Justice and Sexual Offending; challenges and possibilities
- Circles of Support and Accountability – a Restorative Justice project
Introductions

- Probation qualified. 25yrs Criminal Justice experience. Specialist high risk & sexual offenders; probation and prisons

- UK Probation Service, NOMS, Ministry of Justice. National lead sex offending policy & practice development & implementation, research & monitoring

- Director NGO; Criminal Justice consultancy and training, UK and international

- Chair CEP Sex Offender Special Interest Group and central advisor CIRCLES4EU
Sexual Offending in Probation in Europe
Why is Sexual Offending a Priority

✓ Sexual assault is harmful to victims

✓ Sexual Offenders are the most excluded citizens

✓ Best practice is to be promoted for:
  - Safety; objective of no more victims
  - Responsibility; holding individuals accountable
  - Ability to Change; access to treatment/interventions
  - Inclusiveness; risk managed through inclusion
  - Humanity and respect for all concerned
# Sexual Offending Recidivism

**Risk Matrix 2000** - Dr David Thornton

Reconviction Rates over:

<table>
<thead>
<tr>
<th>Level</th>
<th>5 yrs</th>
<th>10 yrs</th>
<th>15 yrs</th>
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</thead>
<tbody>
<tr>
<td>Low</td>
<td>3%</td>
<td>6%</td>
<td>7%</td>
</tr>
<tr>
<td>Medium</td>
<td>13%</td>
<td>16%</td>
<td>19%</td>
</tr>
<tr>
<td>High</td>
<td>26%</td>
<td>31%</td>
<td>36%</td>
</tr>
<tr>
<td>Very High</td>
<td>50%</td>
<td>55%</td>
<td>59%</td>
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CEP - Values

- **Social Inclusion** - A society built on the principles of social inclusion provides the best protection for communities from the harm caused by crime.

- **Ability to change** - Human beings are able to change their behaviour and take responsibility to take steps to stop offending and make reparation.

- **Human rights** - Probation closely relates to the basic human rights and responsibilities as formulated by the UN and the CoE.

- **Delivery of effective sentences** - To reduce re-offending, requires consistent and fair options, related to evidence-based practice and principles that ensure human dignity.
CEP Sex Offender Special Interest Group (SOSIG) - description

- Established February 2012
- Special Interest Groups come under CEPs ‘Best Practice’ priorities
- SOSIG to concentrate on the management of sexual offenders in community and prison in Europe
- SOSIG to link practice and research on strategic and operational levels
- Initial goals: 1) cooperation in EU initiatives for practice development with SO across Europe 2) overview of assessment tools, risk management, treatment for sex offenders in EU
CEP Member Countries

Member countries:
- Albania
- Austria
- Belgium
- Bulgaria
- Croatia
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Georgia
- Germany
- Hungary
- Ireland
- Italy
- Jersey
- Kosovo
- Latvia
- Liechtenstein
- Lithuania
- Luxembourg
- Macedonia
- Malta
- Moldova
- Netherlands
- Norway
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- Switzerland
- United Kingdom
Restorative Justice and Sexual Offending Challenges and Possibilities
R.J. values & principles ref Sexual Offending (1)

• **Harmful Behaviour** - crime is law breaking, and damaging

• **Inclusion** - engagement of all people affected by crime; the victim, offender, their support people and the community

• **Accountability** - creating processes that allow offenders to take responsibility directly to those harmed

• **Safety** – twofold: to restore a sense of security to those impacted by a crime and to create R.J. processes that are safe
R.J. Values & Principles ref. Sexual Offending (2)

- **Transformation** - healing, personal growth, reparation of harms, restoration of positive relationships. All parties

- **Interaction** - communication, either direct or indirect, between those impacted by the crime

- **Humanistic** - values to inform interactions for all involved; dignity, compassion, openness, honesty, respect

- **Holistic** - considering, valuing the full breadth of individual participants and larger context in which they function
RJ and Sexual Offending - Challenges

- Social climate, of fear and retribution, adversarial justice approaches. Antagonistic cultural factors.

- Concerns for safety for victims/survivors from re-traumatization and for offenders from harm eg vilification, vigilantism. RJ is new practice; caution and anxiety present.

- A patchwork of practice; no RJ single universal definition or established theoretical and research base yet.
RJ and Sexual Offending - Possibilities

- Expanding the repertoire of ‘justice’ approaches, engaging victims and offenders in relational dialogue and restorative potentialities

- Survivor post traumatic growth and healing, re-empowerment of victims. The more impactful the offence, the greater the outcomes from RJ (Wager 2014, Keenan 2015)

- Offender change and desistance from offending, through re-integrative contact, pro-social networks, ‘New Me’ identity (Laub & Sampson 2013, Maruna 2012)
R.J. & Sexual Offending - modalities

Direct

- Conferencing – group e.g. family group conferencing
- Victim Offender mediation – one to one

Indirect/Alternative

- Circles of Support and Accountability
Circles of Support and Accountability
– a Restorative Justice project
A Restorative Project

Restorative Justice

• Repair – harm caused by crime
• Stakeholder participation - those impacted involved in resolution of conflict
• Transformation - justice by facilitative arrangements

Restorative Process

• Truth Telling - offender acknowledges damage
• Validation – of offender seeking to change; ‘people like us’
• Reparation – ‘making good’, re-integrative social contact
• Surrogate conferencing – survivor volunteers
DANGER
Registered Sex Offender Lives Here
Report Suspicious Behavior to:
(361) 854-4122 NCCSCD
(361) 826-2900 NCSO
(361) 886-2600 CORP
COSA - Definition & Purpose

- A project for safer re/integration of sex offenders into the community
- Volunteers support sexual offenders with high levels of need and at high risk of re-offending
- Primary goal is to successfully re-integrate the offender into community whilst monitoring and making him/her accountable for own actions
- A partnership between professionals and public
- A pragmatic and ethical approach
- Preventative and restorative justice
UK - The Three Key Principles
Theoretical Framework

**Support**
- Reduce Isolation and Emotional Loneliness
  - Model Appropriate Relationships
    - Demonstrate Humanity and Care

**Monitor**
- Public Protection
  - Support Statutory Authorities - Police, Probation
    - Safer Communities

**Maintain**
- Hold Offender Accountable
  - Relationship of Trust
    - Maintain Treatment Objectives

Reduce Re-offending

Saunders & Wilson 2002
COSA: Circles of Support and Accountability The Circle comprises volunteers from the community who are supported by professional staff.
COSA - what happens?

• Weekly Circle meetings (phase 1)
  – Establishing a relationship
  – Discussing risk & needs
  – Relapse prevention
  – Social support
  – 24/7 support by telephone

• Individual support (phase 2, after 1 - 1,5 yrs)

• Evaluation of progress (quarterly)

• Safety rules
Criteria for Core Members

- Higher risk/need (Individual cases assessed)
- Voluntarily agrees to join Circle
- Doing a recognised Sex Offender Treatment programme
- Male or female sex offender
- All sexual offences
- Indication of accepting responsibility and motivated not to re-offend
- Socially isolated
- Due for release into the community/living in community
- Mandated supervision
What makes an effective Circle?

- Good selection of Core Member
- Appropriate balance and selection of volunteers
- Involvement of key professionals – outer Circle
- Trust and Honesty within confidentiality framework
- Maintaining firm and clear boundaries
- Training, supervision and management
What is a Successful Outcome?

- No sexual reconviction
- Reduced e.g. lesser offending (intensity, frequency)
- Offending prevented by evasive action (recall to prison on licence)
- Stakeholder (including professionals) & communities satisfaction
- Social emotional and personal benefits - Core Members & Volunteers
Executive Summary

COSA PARTICIPANTS

85% reduction in sexual recidivism

Wilson, Cortoni, McWhinninnie
November 09
Sage publications

Circles of Support & Accountability
Total of 16 Core Members in a 3.5 year period
Circles South East
10 Years = 100 Circles
2002 - 2012

- Matched Control Group
- Statistically Significant
- Police National Computer

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<thead>
<tr>
<th></th>
<th>CM</th>
<th>CG</th>
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<tbody>
<tr>
<td>Contact sexual or violent reconviction</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Non – contact sexual reconviction</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Failure to comply with S-O-R</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Breach of S-O-P-O</td>
<td>2</td>
<td>0</td>
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A Breakdown of Volunteers by role
UK Thames Valley COSA in 2005
Other findings

Systematic international search of the literature; 18 studies in review, assessing existing knowledge on the effectiveness of the COSA intervention (Kemshall & McCartan 2014)

- Increased victim satisfaction and reduced fear, anger, anxiety and need for revenge in victims

- Stakeholders & communities reported the feeling of safer communities as a result of COSA; perceived reduced risk of re-offending and reduced fear of re-offending.

- Core Members & volunteers both reported social, emotional and personal benefits from participation

- COSA associated with low sexual and violent recidivism rates when compared to offenders who do not experience COSA
CIRCLES4EU
Expanding Circles of Support
and Accountability across Europe
A European Consensus For Reintegration of sex–offenders.....

• Community costs of recidivism are high
• Climate of fear / lack of unbiased information
• Stigmatisation, exclusion, social isolation, marginalization
• Lack of monitoring
• Long term risk of recidivism
The European Framework
(Hoing and Vogelvang 2012)
<table>
<thead>
<tr>
<th>Circle goals:</th>
<th>Social capital formation</th>
<th>Human capital formation</th>
<th>Relapse-prevention</th>
<th>Circle redundancy</th>
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</thead>
<tbody>
<tr>
<td><strong>Who?</strong></td>
<td>Inner circle</td>
<td>Inner and outer circle</td>
<td>Inner and outer circle</td>
<td>Circle coordinator, inner and outer circle</td>
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<tr>
<td><strong>Circle functions:</strong></td>
<td><strong>Activities:</strong></td>
<td><strong>Activities:</strong></td>
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<td><strong>Activities:</strong></td>
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<tr>
<td>Social inclusion:</td>
<td>- Be available and offer support</td>
<td>- Monitor and discuss risk and problem behavior</td>
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<td>- Evaluation and improvement:</td>
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<tr>
<td>- Model and stimulate respect, openness and trust</td>
<td>- Develop targets and cooperation</td>
<td>- Confront core member</td>
<td>- Evaluate and support group process</td>
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<tr>
<td>- Offer and stimulate social activities/pro-social relationships</td>
<td>- Offer advice, guidance and encouragement</td>
<td>- Share information</td>
<td>- Evaluate and discuss core member process</td>
<td></td>
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<tr>
<td><strong>Behaviour change:</strong></td>
<td>- Hold accountable</td>
<td>- Intervene</td>
<td>- Safeguard model and program integrity</td>
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<tr>
<td>- Develop targets and cooperation</td>
<td>- Confront core member</td>
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<td>- Offer advice, guidance and encouragement</td>
<td>- Share information</td>
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<td><strong>Risk reduction and risk management:</strong></td>
<td>- Confront core member</td>
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<td>- Monitor and discuss risk and problem behavior</td>
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<td>- Safeguard model and program integrity</td>
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<tr>
<td><strong>Consequences for core member:</strong></td>
<td>Sense of belonging</td>
<td>Engagement</td>
<td>Risk awareness</td>
<td>Effective circle</td>
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<tr>
<td>- Self-esteem, hope and motivation</td>
<td>Improved life-skills and self-regulation</td>
<td>Offence free life</td>
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<tr>
<td>- Trust in others</td>
<td>Improved self-efficacy</td>
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<tr>
<td><strong>Consequences for society:</strong></td>
<td>No more victims</td>
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<td></td>
<td>Public safety</td>
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Spreading COSA in Europe
CIRCLES4EU - Project rationale

• Both values and science supported intentions to spread the use of the Circles model in Europe as a humane and effective approach

• Circles4EU (2013-2015) made intentions concrete through management, support and mutual learning

• Circles4EU was based on experiences in the Circles Together for Safety project
  – UK, Netherlands, Belgium (2009-2011)
  – COSA European Handbook V.1
<table>
<thead>
<tr>
<th>IMPLEMENTED</th>
<th>IMPLEMENTING</th>
<th>ADAPTATION</th>
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<tbody>
<tr>
<td>United Kingdom</td>
<td>Latvia</td>
<td>Ireland</td>
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<tr>
<td>Netherlands</td>
<td>Bulgaria</td>
<td>France</td>
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<tr>
<td>Belgium</td>
<td>Catalonia</td>
<td>Hungary</td>
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CIRCLES4EU – Main Topics

- Defining uniformed principles, values, standards and processes for COSA, in order to ensure a truly European practice.

- Practical support of COSA implementation in Spain, Latvia, Bulgaria. France, Ireland, Hungary looked over the shoulder, learning, for implementation of COSA next.

- Formation of a research team to coordinate research and establish a common knowledge database including best practices.

- Establishing a European Network, to support continuing expansion of COSA in Europe and COSA European Circles Handbook V. 2.
The Governance Code of the Circles4EU Network includes the following:

- Aims and Objectives
- Organisational Structure
- Membership
- Activities of the Network

See Circles4EU Website European Network section, for full information!
Network Mechanisms

✓ European Register of Accredited COSA Advisors for access to policy, practice, research expertise

✓ European Handbook key guidance towards adoption, implementation, maintenance of CIRCLES.

✓ Best Practices Blog to input and access information on best COSA practices

✓ Training for starter countries

✓ Dissemination sharing presentations, forums for promoting and engaging significant others
COSA - stretching the Probation paradigm

Honouring the knowledge base:

• CIRCLES focus on risks, needs and responsivity
• CIRCLES promote desistance
  – Human & social capital, motivation to change, narrative identity

Opening new territories:

• CIRCLES / citizen initiatives,
  – Similar results as in treatment
  – Still a methodical approach
  – evidence-informed and morally-inspired ‘practice’
References


• Keenan, M and Fahy, B (2014) Sexual Trauma and Abuse: Restorative and Transformative Possibilities: University College Dublin publication
• Kemshall, H, McCartan K, 2014 Circles of Support and Accountability (COSA) – A Review of the literature (Ministry of Justice Research Series)
• Wager, N (2014) What is the restorative space a survivor-volunteer and core member occupy within a Circle: presentation to C4EU International Conference Barcelona
• Wilson, R. Cortoni, F. McWhinnie, A. 2009 Circles of Support and Accountability: A Canadian National Replication of Outcome Findings. Sage (on behalf of ATSA)
Thank you!
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