Identifying the Relevance of Domestic Violence Issues to the Management of Female Offenders

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Group Project
Executive Leadership Program
ELP 07/001

AIM OF THE PROJECT

The aim of the project is to focus on issues concerning victims of domestic violence in custody with particular emphasis on female offenders. The group has identified that the Department currently has ineffective strategies for identifying victims of domestic violence upon reception into custody, and provides minimal support for victims in the custodial environment.

The group recognises that it is not feasible to attempt to introduce comprehensive therapeutic programs to address the issues surrounding victims of domestic violence at this stage, in view of the constraints including costs and resources currently available. In view of this, the project was narrowed to specifically address the following:

- To identify how unresolved issues of domestic violence impact on the management of female offenders.
- To clarify and support a means of addressing outstanding victim abuse issues via a gender specific, integrated and cost effective "Throughcare" strategy.

BACKGROUND

Domestic Violence is a key issue in the State Plan and is related directly to priorities R1: Reduced Rates of Crime and R2: Reduced Re-offending, the latter for which the Department is the lead agency. In addition to the recognition of domestic violence as a priority in the State Plan, the Premier issued two News Releases in which he stressed the Government’s commitment to victims of domestic violence.

Domestic Violence is defined as a personal violence offence perpetrated by a person against another person with whom that person has or has had a domestic relationship7. Domestic violence occurs when a family member, partner or ex-partner attempts to physically or psychologically dominate or harm the other. According to the Commonwealth’s Office for Women (OFW), domestic violence can be exhibited in many forms, including physical violence, sexual abuse, emotional abuse, intimidation, economic deprivation or threats of violence.

Domestic violence occurs in all geographic areas of Australia and in all socioeconomic and cultural groups, although domestic violence is a more significant problem in certain low socio-economic areas and for certain groups, such as regional and rural Australia and Indigenous communities.

The relevance of these issues to the Department of Corrective Services (DCS) is primarily one of responsivity and ensuring that programs which address these issues are both available to and targeted to offenders who have these specific needs.

Some studies have found that the rate of alcohol misuse was up to six times higher for victimised than for non-abused women8. Further, there

7 Sections 4(1) Crimes Act 1900 (NSW)
may be “acting out” behaviours or violence related to unresolved domestic violence issues.

STATISTICS

- Within Australia, in the 12 months leading up to the 2005 Personal Safety Survey, 443,800 (5.8%) of women reported they had experienced violence.
- The 2005 Personal Safety Survey also identified that of the women who were physically assaulted in the 12 months prior to the survey, 38 per cent were physically assaulted by their male current or previous partner.
- The recorded crime statistics for Domestic Violence related assault in 2004 in NSW was 25,761 (37.3% of all recorded assaults) and is similar for 2007. In the 12 months to March 2007, it was recorded as 26,956 (an increase of 1.2 percent over the previous 24 months).
- The majority of domestic assault victims are female (71%).

SCOPE

The group has researched the issues of domestic violence and the effects on victims. Studies have shown that many victims who have been subjected to past or present abuse frequently experience psychological disturbances. These may include depression, anxiety, suicide attempts and/or self harm acts, social dysfunction and social isolation, poor self esteem, poor coping skills and self-medication through substance abuse.

The recognition that domestic violence experience may play an underlying role in the behaviour of victims, including offending behaviour, is an important factor in better managing offenders in the custodial environment. Furthermore, an understanding of domestic violence as a contributor to behavioural problems will also improve the responsiveness of victims to current programs, such as those related to substance abuse.

Also, the identification of domestic violence as an issue and the education of both programs and custodial staff will improve offender management strategies. It is envisaged that staff education and awareness in how to better manage victims will, over time, lead to a reduction in the incidences of self harm and use of force requirements amongst the target group. The initial stage in raising awareness of offenders with underlying issues of domestic violence can be achieved through the classification process.

The Department of Corrective Services (DCS) provides programs for offenders that are designed to maximise the responsibility of its participants. The responsibility of offenders is an important component considered in the delivery and structure of programs. In offering offence related programs, such as alcohol and other drugs, it is crucial that responsibility is optimised. Although various factors may affect responsibility, responsibility can be improved. Research indicates that responsibility is negatively affected when an offender has a history of abuse as a victim. For instance, emotional numbing, hypervigilance, flashbacks and dissociation may be consequences experienced for years after the incident. This is especially the case when domestic violence issues are left untreated. When responsibility improves, offence related programming becomes more effective. It is important that programs are structured in a way that an offender is likely to respond to the program. Hence, in the case of offenders with a history of abuse, responsibility is increased when there is a resolution of, or management of, outstanding domestic violence issues.

References:

Evidence indicates that women who self-harm usually have a history of trauma. His trauma usually arises from background of abuse - sexual, emotional, physical and/or neglect. Women are more likely to self medicate to cope with abuse situations or for the relief of violence perpetrated against them. Hence, it is reasonable to expect that if outstanding abuse issues are addressed shortly after a female is received into custody, then there would be less likelihood of women self-harming and experiencing suicidal ideation. Obviously this would considerably impact on a reduction of the cost per female offender whilst she is in custody. Further, strategies which improve the opportunity for progression through the classification system to less intensive supervision whilst in custody, and in the community post release, will ultimately lead to a reduction in the costs associated with managing female offenders.

SCREENING AND INDUCTION

On 1 July 2006 the Australian Family Law Act 1975 underwent major reforms with the introduction of the Family Law Amendment (Shared Parental Responsibility) Act 2006. The reforms have implications for adult and child victims of family violence. Among the safeguards for victims accompanying the changes to the Act is the introduction of family violence screening and risk assessment processes, designed to identify victims, to consider future risk of harm (e.g. for re-assault or homicide) and to manage and respond to that risk. Given that the State and Federal Government initiatives are targeted at reducing violence against women, then it is incumbent upon the Department to identify and address outstanding issues associated with abuse whilst women are in custody and being supervised in the community. During a recent Graduation ceremony for Charles Sturt University (18 May 2007) the Victoria Police Assistant Commissioner, Dr Leigh Gasner, spoke about future Victoria Police initiatives that would be aimed at reducing violence against women. Dr Gasner stated that the Victoria Police would be working more extensively with a variety of community agencies in an attempt to reduce family violence. He emphasised that the justice agencies needed to collaborate in addressing this pervasive issue. Further, Dr Gasner highlighted the need for a multi faceted strategy in addressing family violence so that today's children may have less likelihood of experiencing abuse within the home. This coordinated community response was highlighted as a priority during the Australasian Women and Policing Conference (held on 7 to 9 July, 2006).

The current DCS Initial Screening tool is worded in such a way that domestic violence perpetrators may be identified. However, the Initial Screening document does not clearly or easily identify abuse victims. During a recent Women’s Classification Workshop (held on the 24 May 2007), this aspect was discussed with the Manager, Reception, Screening and Induction Program from the Inmate Classification and Case Management team. It was highlighted that the current DCS Initial screening tool does not necessarily identify victims of abuse. It appears this screening tool more readily identifies perpetrators of abuse. This point was taken on board.
and is now scheduled to be discussed during the upcoming review of the Initial Screening tool. Moreover, copies of our project have been requested by the Inmate Classification and Case Management unit in order to review this particular aspect of the Initial screening tool.

It was further noted through discussions with Violence against Women (VAW) Strategy Unit, that there is a current project underway being led by NSW Health to develop a standard and consistent set of questions to identify and rate the level of risk or issue associated with Domestic Violence issues. It is considered by this group that approaching the identification of this issue in a consistent fashion to other agencies will enhance the outcomes for offenders and improve co-ordinated response strategies.

Studies have also shown, particularly in the United States that screening is an essential aspect of classification, and mental health is an area in which screening is required. In a study of programs for women, prior abuse, parental responsibility, and vocational choice were the areas in which women committed to US state correctional institutions received the least amount of screening. Screening for medical status and mental health was noted as requiring further attention, particularly because classification and screening should be used to channel women into the least restrictive housing.19

To clarify and support a means of addressing outstanding victim abuse issues via a gender specific, integrated and cost effective “Throughcare” strategy.

The VAW Specialist Unit manages the NSW Strategy to Reduce VAW. The Strategy is a state-wide, whole of Government approach to reducing violence against women. The Strategy aims to prevent and respond to violence against women through:

- Raising awareness of, and understanding about, violence against women
- Developing and promoting effective prevention strategies
- Improving women’s access to services
- Improving interagency co-ordination and
- Improving the criminal justice response to violence

The Strategy is a partnership of seven Government agencies but does not include DCS.

The VAW Specialist Unit works to, inter alia:

- Provide project management and support for the work of the Strategy’s regional program
- Conduct strategic liaison with other government agencies, non-government agencies, peak bodies and communities
- Implement and evaluate specific projects

Initial contact with the Unit has met with enthusiastic support for this project and a desire for DCS to be actively involved in addressing issues relating to female offenders who are victims of domestic violence. The Unit can also provide necessary training to staff through the Education Centre against Violence.

The regional programs are co-ordinated by a Regional Co-ordination Management Group (RCMG). There is a RCMG in Dubbo of which the District Manager, Dubbo District Office, Community Offender Services (COS) is the DCS representative.

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It is proposed that the RCMG be engaged through the DCS representative in facilitating an awareness of support services available in the local community for female offenders following their release from custody. It is further proposed that the awareness sessions be initially introduced at Wellington Correctional Complex.

Ms Narelle Jeffrey, COS District Manager, Dubbo has supported this proposal and has indicated that the awareness sessions can be co-ordinated by COS staff at Wellington Correctional Centre, something which is already under consideration.

The team considers that there is an opportunity to improve interagency relationships and leverage the funding for these programs to support “Throughcare” strategies. In particular, there is a possibility of running externally funded programs within the custodial setting. Moreover, the target population may otherwise not engage in or attend support if left to their own devices. By facilitating domestic violence assistance and awareness whilst in custody, offenders may be more likely to attend, as normally a fear of reprisal from the perpetrator may prevent attendance and/or access to programs. Throughcare strategies could easily be supported by the continuation of these programs through Community Offender Services.

To introduce the above strategies will require a cohesive partnership between centre staff, COS, VAW Specialist Unit, Education Centre against Violence and Offender Programs Unit.

CONCLUSION

Evidence shows that domestic violence is often a contributing factor to offending and offender behaviour amongst females. By addressing the issue of domestic violence, even in the limited scope of this project, DCS can make a positive contribution to reducing re-offending amongst female offenders. This is in line with priority R2: Reduced Re-offending of the State Plan and the Department’s Mission. It also contributes to the Department’s Corporate Plan Strategic Overview and results priorities by providing:

- Integrating community-based and custodial offender management at the corporate, regional and operational levels, and reconfiguring integrated services to achieve improved correctional outcomes
- Implementing Throughcare strategies within the Department, and in partnership with other government and non-government human service providers, to contribute to an integrated approach to a reduction in re-offending
- Recognising and addressing the specific needs of female offenders
- Whole-of-sentence case management
- Offender risk and needs assessments
- Program development and delivery
- Programs for offenders with identified specific service needs
- Strategic partnerships with external organisations and community support agencies

The identified stakeholders for progression of the project are:

- DCS custodial staff
- DCS programs staff
- Inmate Classification and Case Management
- Community Offender Services
- Offender Programs Unit
- Violence Against Women Specialist Unit (DoCS)
- Education Centre Against Violence (DoCS)
The team has identified a number of risks associated with implementing the strategies to achieve the aims of the project. The greatest risk arises from an offender’s reaction to confronting the many factors associated with domestic violence and the availability of support. It is the team’s view that this issue can be addressed in two ways:

1. Training of screening personnel

2. Development and use of a set of specific screening questions, for the identification of unresolved domestic violence issues, which are in line with standards across NSW Health

However, the team strongly advocates the introduction of:

- An Initial Screening tool to be utilised to identify domestic violence victims – when they are first received into custody.
- Initiate an awareness of support services program for victims of domestic violence in custody.

**RECOMMENDATION**

The team recommends that Board of Management considers that;

- Identifying female offenders, who have experienced some form of abuse, will enable DCS to ensure that programs and mechanisms addressing responsivity are more efficiently targeted. It is considered that this would improve offender management and decrease offender incidents related to “acting out” behaviours or violence.
- Identifying appropriate externally funded programs and both planning for and initiating program participation whilst in custody will support and enhance the Throughcare strategy model for offender management. It is expected that this strategy would be cost neutral, as it would be merely drawing on pre-existing services and support, be incorporated into case management planning for female offenders.

**Steps to Proceed:**

- Modification of the currently utilised DCS Initial Screening questions.
- Development of a streamlined tool to assist in the process of identification and rating of females received into custody who have unresolved domestic violence issues.
- Identification, assessment and trial of domestic violence programs running in the Wellington area which meet DCS standards.
- Establishment of a cohesive whole of sentence strategy to deal with female offenders who have experienced some form of abuse.

**BIBLIOGRAPHY**
