



Title: Restorative responses to
Violence Against Women: Can the
interests of victims, offenders and
partner agencies be reconciled?

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Introduction

- ❖ Introduction
- ❖ Debating the merits of RJ for gendered violence
- ❖ RJ and Sexual assault
- ❖ RESTORE
- ❖ Findings
- ❖ Towards a Conclusion



RESTORE

Four main goals:

- ❖ To hold the Responsible Person accountable for the harm he/she has caused
- ❖ To provide an avenue for reintegration of the RP into their community.
- ❖ To treat Survivor/Victims of sexual violence with respect, to validate them, and to give them a safe process for face-to-face justice, empowering them to shape the resolution.
- ❖ To increase public safety by engaging the S/V and RP's social support networks to reduce recidivism

[Source: project manual]



Characteristics

- ❖ A conference is one event in the overall program
- ❖ Preparation is commonly lengthy
- ❖ Detailed manuals including information for S/Vs (about RESTORE; sexual assault and advice to aid recovery) and RPs;
- ❖ RPs are forbidden from having contact with the survivor unless given explicit permission in specified circumstances
- ❖ Program duration – 12 mths



Therapeutic aspects - RPs

- a psycho-sexual evaluation; risk assessment; the redress agreement includes mandatory treatment as determined by psychosexual therapist;
- Follow up – for 12mths, monitoring consistent with standard probation requirements;
- regular meetings with the CARB, & a final meeting which concludes with 'the RP reading a prepared reflection and clarification letter indicating his/her progress throughout the year. This is the formal recognition of his/her reintegration back into society as a law-abiding citizen' (p9).



Therapeutic aspects – S/Vs

S/Vs

- offered counselling and support (sessions with a psychologist contracted from a local sexual assault service; meetings with case manager in lead up to conference & 1 week after the conference, further referrals if needed)



Multiple levels of redress

- ❖ – therapy, monetary restitution to victim, treatment and other programs, community service;
- ❖ CARB – Community Accountability and Reintegration Board - as representative of larger community;
- ❖ No civil action;
- ❖ Fees – RP pay fees for assessment etc and a monthly program fee



Findings

❖ The need for a purpose designed program

'And so if you're having a generic model and you're not paying attention to the differences with regards to the emotionality, the vulnerability, the impact of the crime, I think, it is kind of dangerous territory'
[psychologist].

Choosing the right people and cases –



RESTORE [is]... **self selecting for success.**
The **participants that you pick are probably 80 per cent of the equation.**
You are picking offenders who are non-violent, who are familiar with their victims.
You're picking victims who have inherent sympathy about their offender and are willing to permit this chance of a non-prison disposition, a non-customary trial disposition.
[former sexual assault prosecutor]

Referrals



'are we willing as a prosecution agency to give cases to RESTORE that, if it wasn't for RESTORE, we would otherwise prosecute through the general criminal system, or **did we want to just do cases that kind of fell beneath the radar**'?....

... essentially **only cases that would not be prosecuted otherwise**. Because I think there was some discussion, I mean there's a political issue to that. What happens if you send somebody who we could have prosecuted to RESTORE and something bad happens in the future? And so **I think the final decision was cases that we would not otherwise prosecute.**' [former prosecutor]

S/Vs and participation



Not all survivor/victims want to participate personally in a conference even if they want a conference to go ahead

The program adapted to this by using 'victim surrogates'.

The challenges of getting offenders into the program



'Any credibility that we had with offenders, cause when you're working with offenders in the way that we were working with them, you needed a stick, you needed something that would motivate them to participate because they were not interested in being in a program altruistically in general, especially not at first and especially when they don't feel like they did anything wrong. **So we really needed some social intimidation to at least get offenders to engage in our program'**

(former project staff member)

Incentives



'RESTORE takes the chance of a criminal conviction off the table, including the risk of being required to register as a sex offender. It also offers the opportunity to avoid being sued civilly for money damages.' [program manual]



- ❖ 'the one particular case that we had that went, was at least offered to the suspect for RESTORE. The case wasn't strong enough to prosecute and so they offered RESTORE and after seeing everything that he would be required to do, things he would have to admit to and some of the restitution and costs and things that they wanted him to pay, he decided to drop out of the program. And that would be, in itself, probably the biggest challenge to it. I think you can't really coerce a person to do it... (police officer)



Balancing interests

- ❖ Well we had a number of survivors who didn't want to attend the conferences and I think for them the benefits weren't as much... I don't have the sense that all of them moved on... I think that the project focused on the responsible person, we spent more time with the responsible person than we did with the survivors. ... But I noticed the change in the responsible persons much more because we worked with them over a longer period.
[former administrator].

Competing interests and politics



- ❖ Competing interests with agencies/lack of 'buy-in'

- ❖ Political contexts

Attitudes to sex offenders and politics

There is always a political issue involved with sex offenders and when it gets out into the community and into the media that the sex offenders appear to be coddled and certain types of sex offenders treated differently...they can cause enormous political problems for whomever is running the program. [therapist]

Inter-agency and inter-personal politics



Towards a Conclusion

- ❖ It is crucial that any model developed challenges subordination, is feasible, appropriately resourced and sustainable over time. Safe and effective outcomes not only should be *possible* but *probable*.
- ❖ *Competing interests matter*
- ❖ *Context matters*