

# ALCOHOL ABSTINENCE MONITORING REQUIREMENT

## DOMESTIC ABUSE OFFENDER FEASIBILITY STUDY

### FINAL REPORT

JANUARY 2018



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## What is the AAMR Sanction?

*A significant number of alcohol-related offences are not committed by dependent drinkers but rather those who misuse alcohol. For those offenders, there was a need to look at further tools in which to address such behaviour.*

*Provisions in the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012, now provide courts with a power to impose an Alcohol Abstinence and Monitoring Requirement (AAMR).*

*This new sentencing power allows courts to impose a requirement that an offender abstain from alcohol for a fixed period of up to 120 days; and be regularly tested to ensure compliance; as part of a Community Order or a Suspended Sentence Order.*

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## Executive Summary

In the summer of 2016, MOPAC began the roll out the use of the AAMR (sobriety tags) from the 4 southern London boroughs in which it was originally piloted, to the whole of London. This was fully implemented by January 2017. MOPAC made a policy decision to exclude domestic abuse offenders from the AAMR sanction. This was largely due to advice from experts in the domestic abuse sector that the use of the AAMR could potentially increase risk for survivors of domestic abuse and to recognise that the use of alcohol does not cause domestic abuse. STADV, AVA and RESPECT were commissioned to undertake this feasibility study to determine whether the use of AAMR sanction with domestic abuse offenders is safe and to aid MOPAC in decision making regarding the use of the AAMR sanction with domestic abuse offenders. The study included a time limited pilot in selected Magistrates courts in London following consultation with stakeholders in the violence against women and girls (VAWG) and criminal justice sectors as to the operational changes required to conduct the pilot safely.

There was much learning in this feasibility study in the planning phase for the pilot. In addition to considering the, anticipated volume, training needs and multi-agency working required, decisions were made about the eligibility requirements. After consultation, partners decided not to exclude any cases but to allow for the Pre-Sentence Report author to make a sound judgement about the potential use of the AAMR based on professional judgements made with adequate information from a variety of sources including (if applicable) the specialist support services, the MARAC, Children Social Care and the Business Intelligence Unit. Another fundamental decision was to require that the AAMR only be used when it is combined with a sentence to address domestic abuse related offending behavior. Following is a summary of lessons learned from the planning phase of this study.

## Summary: Lessons learned in AAMR Planning:

- There is a need to stipulate that domestic abuse perpetrators should always first be assessed for Building Better Relationships (BBR) or 1-2-1 work, and that where appropriate AAMR can be combined with these requirements.
- The waiting time for BBR varies but often the AAMR sanction will have finished by the time BBR has started. Therefore, the ability for the ISS service associated with BBR to take on support of the survivor at the start of the AAMR sanction is not practiced at this time. The provision of support from the ISS service (provided as part of the BBR) should be clarified with CRC so that it can be offered as early as possible after sentencing of a combined AAMR/ BBR.
- Further information on the use and outcomes of BBR programme and possible variation of use by court areas requires further analysis. The options for one to one work with probation to address domestic abuse must be made clearer to criminal justice partners as to what this work entails and its outcomes.
- London lacks consistent practice in operational working groups specifically addressing the criminal justice response which include the range of statutory and non-statutory partners which allow for coordinated and managed practice which ensure the safety of the survivor is kept central to the court process.
- The suitability for the AAMR is linked to the ability to address the domestic abuse offending behaviour via BBR or one to one work. Each case should be considered on its own merits and a high degree of importance rests in the Probation pre-sentence assessment.
- Partners agreed not to exclude cases before Probation could gather information and make a sound judgement.
- Specific measures had to be put in place via IDVA services to ensure that swift and safe information to and from the survivor were assured for the pilot. This would have to be addressed for wider use of the AAMR and developmental links between IDVA services and early contact with the Domestic Abuse Safely Advisors (for BBR) would require development.
- If there is not safe or practical way to ensure swift and safe communication with the survivor then the AAMR disposal would not be a viable option.

The pilot aspect of this feasibility study was extended from three months to just under nine months in Hammersmith and Westminster Magistrates courts. This extension was largely due to the low use of the AAMR sanction in the first few months. This low uptake extended through the extended pilot period. Croydon and Camberwell Magistrates courts piloted the use of the AAMR sanction over two months (Aug-Sept 2017) and had no uptake of the AAMR sanction. Throughout the whole of the piloting period, only 4 AAMR sanctions were imposed.

As there were so few AAMR sanctions imposed and some where the survivor was not in regular contact with the IDVA service, it is difficult to fully understand the impact of the AAMR sanction on the survivor of abuse. IDVA services and other criminal justice partners are not aware of any negative consequences of the AAMR sanction when they were imposed in four circumstances. There was neither negative or positive feedback provided by these survivors and only once case (case study 8, page 30) where the survivor overtly supported the notion of a AAMR sanction. In four cases, the AAMR sanction was completed successfully by the offender (i.e. no tags were removed or breaches were recorded).

There is strong feeling among a wide range of front line practitioners which is outlined in the above feedback section that the parameters of the pilot (which require adjournment for a PSR supported by a full range of information about the context of the relationship and the coupling with a sentence which addresses domestic abuse) are fit for purpose if there is continued use of the AAMR sanction. However, it is clear that restriction of the five-day adjournment presents challenges to make contact with the survivor in the time required. The need to adjourn for the PSR is in direct challenge with the targets for one the day PSR reporting. To make this requirement more robust, domestic abuse reports should be excluded from these targets.

Some would further state that an exclusion of couple living together be added as this was the universal feedback from all frontline professionals involved with the pilots. The fact that some offenders were assessed by Probation as not appropriate for the AAMR sanction was perceived to be a positive impact of Probation being able to make a professional judgement as part of the criminal justice process.

The pilot was able to test out how easily it would be to communicate with survivor about the AAMR sanction. Ideally, this required the IDVA service to be alerted that the case was coming up for sentencing so that they could discuss the possibility of the AAMR as part of the possible sentence. This would allow for time for the IDVA to contact the survivor and for feedback to be given to probation as soon as possible. This was aided by the development of a leaflet for survivors (see appendix 5). The pre-sentence work would have only been done in the Hammersmith and Westminster Magistrates Courts where there is a SDVC Coordinator who was able to see the court listing prior to court date and to proactively contact the IDVA service. This was not possible in the Camberwell and Croydon Magistrates courts where the first alert to the IDVA service would have been in the five-day adjournment period. For the IDVA service in Hammersmith and Westminster, this meant that they could be involved in identifying the potential for the AAMR sentence and which meant that they were able to communicate this sanction to a larger number of survivors than the four cases where the AAMR was imposed. The survivor will rightly have many questions and clarification would be needed. In addition, if this is their first experience of the criminal justice system, this can add to further confusion as to what may or may not happen during this stressful period. If a survivor's first language is not English, this will add greater concern as to how to fully address the survivor's need to be able to understand this sanction.

Following are the lessons learned from the pilot and those which address wider systemic issues arising which will affect further rollout of the use of the AAMR.

### Summary: Lessons learned from the AAMR pilot:

- Often the input of the IDVA service and therefore the survivor of abuse is not considered for the PSR even when this is part of the agreed protocol.
- The ability for the IDVA service to achieve contact and to develop a trusted relationship is not always achievable in the short period of time in which the PSR assessment takes place (5 days).
- The PSR does not always contain the detail of the judgement and decision making as to why the AAMR was not recommended so it is not always clear if it was considered fully or not.
- Judgements of individual Probation officers differ in terms of the suitability of the AAMR. There are cases when the Probation Officer at court's opinion differs from the PSR author.

- There are examples of when the bench did not concur with the PSR recommendation. The AAMR is used infrequently even when the SDVC Coordinator has highlighted the cases that have met the threshold criteria for further assessment by the PSR author.
- MOPAC would have to resolve the issues related to communication of breaches of the AAMR sanction to the survivor as well as effective and quick communication with the offender manager.
- London consists of specialist support services offered in a variety of settings (statutory and voluntary sector teams) with different commissioning expectations. While in principle the support offered is similar, the ability for services within each borough to adapt quickly to the safe use of the AAMR presents challenges.
- Probation PSR writers unanimously agreed on the need to understand the context of domestic abuse in considering the use of the AAMR but there were barriers to obtaining accurate information in time for sentencing, even with an adjournment of five days.
- Probation PSR writers do not have consistent information regarding input from survivors and MARAC to aid them in their judgements for reports.
- There appears to be a common misconception in Probation that the AAMR is like a curfew. While the offender should be in range of the basic unit daily, there are ways of addressing this requirement which is less like a curfew.
- Even when close multiagency links are in place, the IDVA service often struggles to contact the survivor in time to adequately explain the possible AAMR sanction and to update the PSR writer on her input. Often this contact is made late in the five-day adjournment.
- Probation would require ongoing support and training for the safe use of the AAMR sanction with domestic abuse offenders.
- Considering the strength of this view in the stakeholder feedback, MOPAC should consider that the AAMR not be imposed when the couple is still living together.
- For a wider rollout, domestic abuse support services should be supported and trained to ensure that communication about the use of the AAMR and the support required through the period of the AAMR sanction is fully addressed in terms of commissioning and training.

### Summary: Wider systemic lesson learned:

- There is not consistent communication channels between Probation (PSR writers) and also offender managers and specialist services for domestic abuse.
- Further work is required to embed coherent links with the ISS service offered to the survivor via BBR.
- MOPAC should consider excluding domestic abuse cases from targets related to on the day PSR assessments and consider allowing for a longer adjournment than five days to allow for contact with the survivor to be made for cases where a AAMR sanction may be imposed.
- The ISS as defined in this study requires development as a distinct activity which requires a service level agreement between the domestic abuse support services and Probation to facilitate information sharing and case management.
- There are examples of when the bench did not concur with the PSR recommendation which has affected the use of the AAMR but also is a wider concern for DVA related cases and sentencing.
- Probation PSR writers unanimously agreed on the need to understand the context of domestic abuse in considering the use of the AAMR but there were barriers to obtaining accurate information in time for sentencing, even with an adjournment of five days. This relates to all domestic abuse cases and not only those where the AAMR is being considered.
- Probation PSR writers do not have consistent information regarding input from survivors and MARAC to aid them in their judgements for reports.

## Section 1: Description of the Feasibility Study

### 1.1 Partners involved

In the summer of 2016, MOPAC began the roll out the use of the AAMR (sobriety tags) from the 4 southern London boroughs in which it was originally piloted, to the whole of London. This was fully implemented by January 2017. MOPAC made a policy decision to exclude domestic abuse offenders from the AAMR sanction. This was largely due to advice from experts in the domestic abuse sector that the use of the AAMR could potentially increase risk for survivors of domestic abuse and to recognise that the use of alcohol does not cause domestic abuse. STADV, AVA and RESPECT were commissioned to undertake this feasibility study to determine whether the use of AAMR sanction with domestic abuse offenders is safe and appropriate and to produce suggested training materials and a final report to aid MOPAC in decision making regarding the use of the AAMR sanction with domestic abuse offenders. The study included a time limited pilot in selected Magistrates courts in London following consultation with stakeholders in the violence against women and girls (VAWG) and criminal justice sectors as to the operational changes required to conduct the pilot safely. The background of STADV, AVA and RESPECT can be found in Appendix 1 and are referred to collectively in this document as “partners” in reference to those conducting and overseeing the feasibility study.

### 1.2 Evolution of the original submission from the Tri-borough to southern court area

The Study began in October of 2016 and was due to end at the end of March 2017 after a three-month period of piloting. The original submission to MOPAC proposed piloting in Hammersmith Magistrates Court and Westminster Magistrates Court, where STADV has coordinated Specialist Domestic Abuse Courts (SDVCs) for 15 years and 4 years respectively. MOPAC requested that the pilot be extended to the South London Court area; Croydon and Camberwell Magistrates Courts where there is not a specialist court model and where practice may be more representative with the other 13 Magistrates Courts in London. It was agreed that once piloting commenced in Westminster and Hammersmith Magistrates Courts and the requirements for piloting were established, the piloting would extend to Croydon and Camberwell if operational requirements for safe piloting were achievable. This extension coupled with a lack of use of the AAMR in the pilot courts, created a need for MOPAC to negotiate with partners for an extension of the piloting aspect of this study until the end of September 2017. This extension of six months from April to the end of September 2017, was important to fully test and consider the initial three-month pilot findings.

The Feasibility Study entailed a larger scope of work than piloting in the courts as outlined above. As part of the feasibility study partners:

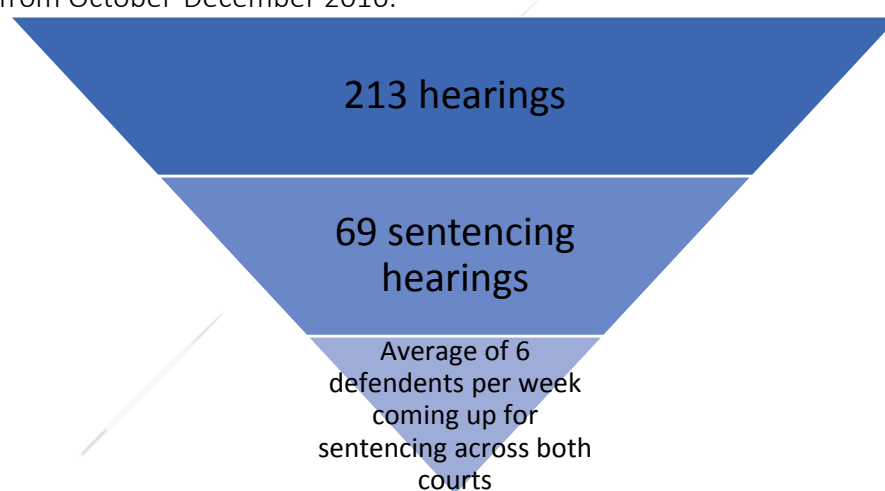
- delivered training and orientation workshops to relevant stakeholders. This consisted of comprehensive written briefings and face to face trainings. This included 30 front

line professionals directly and a wide range of others who received written information or briefings electronically or as part of wider partnership meetings.

- used feedback from stakeholders and lessons learned to inform a package of training materials developed for MOPAC which address the training needs analysis outlined in this report.
- produced an information leaflet for survivors to give information regarding AAMR and explain what specific support was available to them if their partner is sentenced to an AAMR.
- considered issues related to intersectionality and equalities as contained in this report.
- regularly consulted with stakeholders involved in the pilots throughout the study.
- worked with MOPAC's Evidence & Insight team for the evaluation process done by the Insights Team.
- attended regular monitoring meetings with MOPAC.
- consulted with partners/survivors of offenders sentenced to the AAMR sanction following the conclusion of the order to gain feedback.

### 1.3 Analysis of cases in the Tri borough courts prior to piloting

Prior to embarking on the piloting phase of the feasibility study, the first question to address was anticipated volume of cases where the use of the AMMR sanction may be appropriate. Partners looked at data from both specialist courts in Hammersmith and Westminster and found that from October-December 2016:



Specialist domestic abuse courts benefit of the court data collected by the SDVC coordinator and her observations and recordings of the actions and outcomes at court. There were 213 hearings taking place in the SDVCs of which 69 were related to sentencings – 32% of all hearings. This meant approximately there were ten hearings per court day and three sentences, though the number varied over the weeks from none to seven sentences in an SDVC court day. This totalled an average of six defendants coming up for sentencing each week across both courts.

Prior to the pilot, the SDVCs did not routinely collect information on alcohol use as part of the offence so it was difficult to determine volume with 100% accuracy. However according to observation notes detailing each case, partners found that:

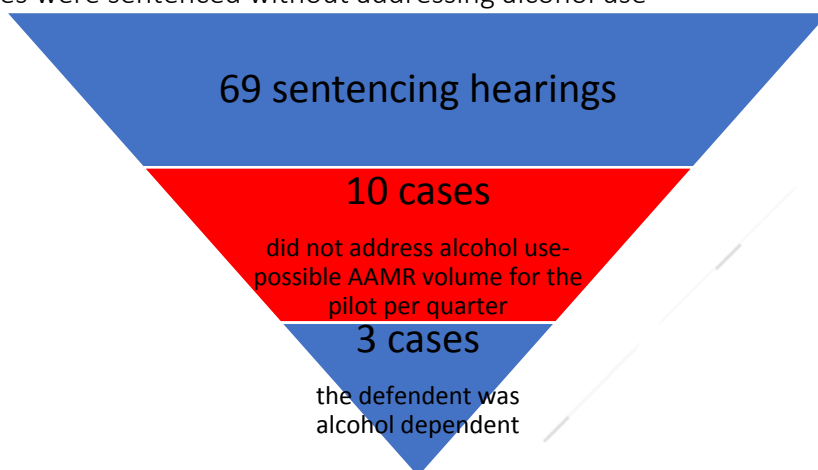
21% of cases (9 out of 42) sentenced at Hammersmith Magistrates Court alcohol was identified as a factor.

19% of cases (5 out of 27) sentenced at Westminster Magistrates Court alcohol was identified as a factor.

This averages 20% across both courts (14 out of 69).

Of the **14 cases identified** across both courts:

- 3 cases were sentenced with an ATR (i.e. defendant assessed as alcohol dependant)
- 1 case was sentenced with a RAR intended to address alcohol use
- 10 cases were sentenced without addressing alcohol use



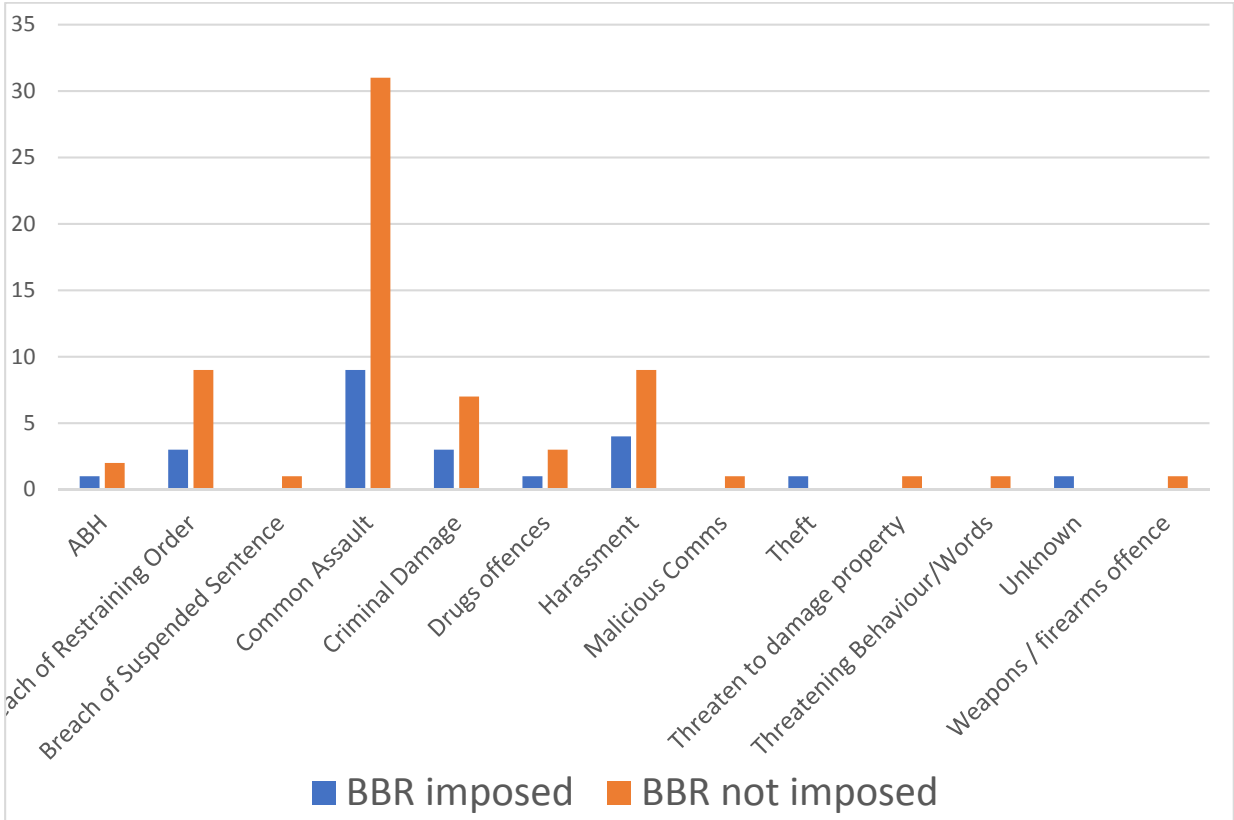
As this data collection was not intended for a preparation for piloting of the use of the AAMR, partners acknowledged that this was simply a rough estimate of the anticipated volume which was useful in the initial planning of the pilot.

Partners agreed that addressing the domestic abuse criminal behaviour would be a critical part of the piloting and examined the use of the Building Better Relationships (BBR) requirements in Westminster and Hammersmith Magistrates courts. As an example, the following data from July – September 2016 from Hammersmith Magistrates court was considered.

#### BBR imposed by sentenced offence

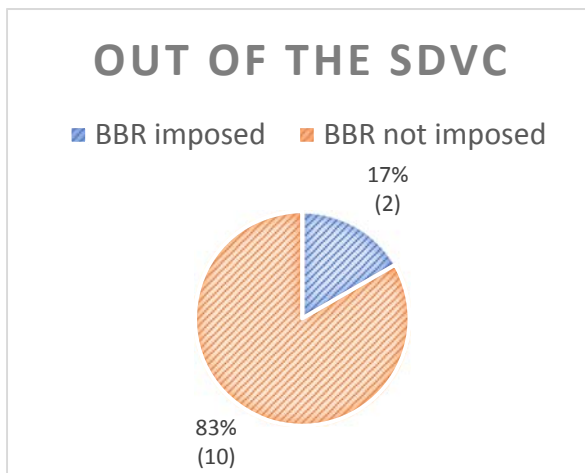
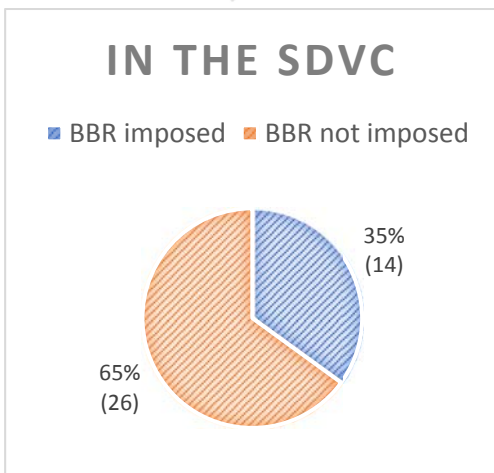
Sentenced offence	BBR imposed	BBR not imposed	% BBR imposed
ABH	1	2	33%
Breach of Restraining Order	3	9	25%
Breach of Suspended Sentence	0	1	0%
Common Assault	9	31	23%
Criminal Damage	3	7	30%
Drugs offences	1	3	25%
Harassment	4	9	31%
Malicious communications	0	1	0%
Theft	1	0	100%

Threaten to damage property	0	1	0%
Threatening Behaviour/Words	0	1	0%
Unknown	1	0	100%
Weapons / firearms offence	0	1	0%
<b>Total</b>	<b>23</b>	<b>66</b>	<b>26%</b>



### In and out of the SDVC\*

\*Numbers per sentence



The graphs above analysed the cases which were heard in the SDVC as compared to those accidentally listed and heard on non-SDVC court days. This shows that the BBR is more likely to be imposed on SDVC court days. And, according to the graphs above, BBR will be considered suitable and will be imposed approximately 26% of the time. Partners concluded that this may mean that not all the 10 cases per quarter estimated (page 7) would be suitable for BBR. By these statistics one could extrapolate that it would be 26% or 2-3 cases per quarter that may be considered for the combined sentence of the BBR and AAMR. These were assumptions based on the data from the courts in Hammersmith and Westminster but again, there is little data elsewhere in London available because there are no specialist domestic abuse courts operating in the same way and collecting similar data. However, pre-pilot, it was unclear if these assumptions would be realistic which is why the piloting period and the 6-month extension was necessary.

It is important to note that partners identified a gap in provision for addressing domestic abuse with CRC partners. When attending the MOPAC Violence Against Women and Girls Board on 12/12/16, the CRC presented that of the total of 25,000 offenders it was managing, approximately 17% had a DA flag as their index offence. However, at that time CRC did not state how many of these 4,250 offenders were suitable or eligible for Building Better Relationships.

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*Lessons learned in AAMR Planning: There is a need to stipulate that domestic abuse perpetrators should always first be assessed for BBR or 1-2-1 work, and that where appropriate AAMR can be combined with these requirements.*

*Lessons learned in AAMR Planning: The waiting time for BBR varies but often the AAMR sanction will have finished by the time BBR has started. Therefore, the ability for the ISS service associated with BBR to take on support of the survivor at the start of the AAMR sanction is not practiced at this time. The provision of support from the ISS service (provided as part of the BBR) should be clarified with CRC so that it can be offered as early as possible after sentencing of a combined AAMR/ BBR.*

*Lessons learned in AAMR Planning: Further information on the use and outcomes of BBR programme and possible variation of use by court areas requires further analysis. The options for one to one work with probation to address domestic abuse must be made clearer to criminal justice partners as to what this work entails and its outcomes.*

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#### 1.4 Decision making process to set piloting parameters including changes to the original AAMR flowchart

Partners conducted consultations with key stakeholders who have been involved in the AAMR pilot in south London (which excluded domestic abuse offenders) to fully understand the work developed to date within MOPAC and with criminal justice partners to pilot the use of the

AAMR generally. This informed decision making and further discussions with key stakeholders as to potential changes required to consider use of the AAMR. The overarching concern of partners was to pilot in such a way as to not put the survivor at risk of further harm by the imposition of the AAMR sanction.

In considering the use of the AAMR sanction in the SDVC related courts in Hammersmith and Westminster, partners spoke to a range of stakeholders to consider their views including specialist domestic abuse services, police, court, probation and MARAC colleagues and the range of partners who are regularly involved in court related multi-agency, operational work in the Tri-borough area which includes:

The Risk and Review Group which is part of the Tri-borough VAWG strategic and operational structure which meets quarterly and is attended by:

- The local authority VAWG Strategic Manager
- ADVANCE (front line IDVA service) representing the wider group of 8 front line organisations in the Angelou Partnership
- Magistrates Court Legal Advisor
- Metropolitan Police, Community Safety Unit
- SDVC Coordinators
- Adult Safeguarding Lead

The Impact Steering Group which oversees work in relation to the criminal justice response to domestic abuse in Hammersmith and Fulham and is attended by:

- Local authority Community Safety Managers
- Metropolitan Police, Community Safety Unit
- London Probation Service
- Crown Prosecution Service
- ADVANCE (front line IDVA service) representing the wider group of 8 front line organisations in the Angelou Partnership
- SDVC Coordinators and Senior Manager at STADV

The two SDVC Management Groups (Westminster and Hammersmith) which meet regularly to coordinate efforts in the SDVCs which are attended by:

- West London Magistrates Court/ Westminster Magistrates Court
- Crown Prosecution Service
- Hammersmith & Fulham Police Community Safety Unit
- Kensington & Chelsea Police Community Safety Unit
- Westminster Police Community Safety Unit
- British Transport Police Witness Care
- Westminster Probation
- Witness Service/Citizens Advice
- Westminster Council Community Safety Partnership
- RBKC Community Safety Unit
- Hammersmith & Fulham Police Criminal Justice Unit
- Hammersmith & Fulham Police Witness Care Unit
- Hammersmith & Fulham Probation

- SDVC Coordinators

Court Led Users Group which meet bi-annually and are attended by:

- Bench Chairman Central London LJA (Chair)
- JP DA Lead Hammersmith Magistrates Court
- JP DA Lead Westminster Magistrates Court
- Magistrates Court Legal Adviser & DA Lead
- CPS DA Legal Manager
- Citizens Advice / Witness Service
- British Transport Police
- National Probation Service, London Division
- Kensington & Chelsea Police Community Safety Unit
- Hammersmith & Fulham Police Community Safety Unit
- Westminster Community Police Safety Unit
- Metropolitan Police, Witness Care
- SDVC Coordinators and Senior Manager at STADV

It is important to note that these regular structures which have in some cases, been in place for years, have greatly helped to progress plans about the safe use of the AAMR and to debate and decide operational practice in relation to the AAMR in the context of well informed, coordinated and managed partnership working around domestic abuse and the criminal justice response. They exist in the Tri borough area and do not exist with the same level of partnership working in other areas of London.

These existing relationships allowed for partners to have mechanisms to contribute to the decision making about piloting and feedback on progress during piloting.

In addition, partners had one to one and longer discussions with the following people and services who would be involved in the piloting in the tri-borough:

- MOPAC officers' expert in the current use of the AAMR
- Manager of the AAMR tag supplier
- Manager of the contractor who fit the tags
- ADVANCE senior manager, Lead IDVAs and allocated IDVA
- Court Probation officer in each court and their seniors
- Judiciary and court clerks
- CPS
- Local CSU
- Probation / CRC (local offices)
- STADV's SDVC Coordinators
- MARAC coordinators x 3 employed by STADV

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*Lessons learned in AAMR Planning: London lacks consistent practice in operational working groups specifically addressing the criminal justice response which include the range of statutory and non-statutory partners which allow for coordinated and*

*managed practice which ensure the safety of the survivor is kept central to the court process.*

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## 1.5 Eligibility criteria for the use of the AAMR with domestic abuse offenders in the pilot courts

### Not a standalone disposal

Having carefully considered feedback from stakeholders and VAWG local partners, partners ensured that in domestic abuse cases that the court must not impose an AAMR as a stand-alone disposal. The important factor in this disposal is to ensure that the domestic abuse offending behaviour is being addressed as part of the sentence. Legally while the court could impose AAMR for DA cases, it was a policy recommendation not to do so for this pilot.

For the pilot, the decision was made that there would be a stipulation that where suitable a BBR requirement must be recommended. If deemed unsuitable for a BBR, one to one work to address the domestic abuse offending behaviour would be recommended. Each case was to be considered on its own merits and a high degree of importance rested in the pre-sentence assessment by Probation.

### PRE-SENTENCE CONSIDERATIONS

As the planning for the pilots progressed, it was clear that the first question for Probation to assess was whether the offender was suitable to address their domestic violence offending as outlined above. The suitability for BBR or one to one work would be the primary assessment before progressing with decision making for the AAMR. This assessment was completed in the same way as usual by Probation.

In addition to the Audit Tool used for the AAMR, the pilot recommended the PSR author ask additional screening questions specifically around domestic abuse which would inform their professional judgement about the suitability of the AAMR and their recommendations for sentencing. There is already a question on the AAMR audit tool which asks, 'have you or somebody else been injured as a result of your drinking?' In a briefing session prior to piloting, Probation and other partners identified the lines of questioning they would use to assess suitability and the information from which they would draw.

<p><b>Enquiry</b> (typically done with the offender on the date of conviction when there is most often an opportunity to speak directly with the offender at court)</p> <p>Much of this will be done via the assessment for BBR</p> <ul style="list-style-type: none"> <li>• Understanding of the context of the relationship such as separation, living arrangements, child care issues.</li> <li>• Understanding of mental ill health- ability to understand and engage with the sentencing requirements.</li> <li>• Consideration of any other members of a household having substance misuse issues.</li> </ul>	<p><b>Additional information provided</b></p> <ul style="list-style-type: none"> <li>• MARAC information</li> <li>• Information from the IDVA or specialist support</li> <li>• Information from the BIU on police history and Children’s Services information</li> <li>• Victim Impact Statements</li> </ul>
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It is clear from the pre-piloting feedback that the greatest challenge for Probation in its assessment is to feel confident that PSR writers understand the context of the relationship between the offender and the survivor. While there were examples of when Probation felt the use of the AAMR could be a positive aspect of the sentence, following are examples provided in our stakeholder consultations which concerned Probation as possible scenarios that would pose additional risks to survivors of abuse:

Scenario 1:

Probation is unable to ascertain the clear facts of living arrangement between the offender and the survivor.



The AAMR imposed causes further violence as the offender is restricted of his choices which is taken out on the survivor with whom he is living.

Scenario2:

Probation is unable to ascertain the clear facts in relation to other substances used by the offender or the level of alcohol use of the survivor of abuse.



This could leave a survivor who is alcohol dependent being placed at greater vulnerability due to restrictions on the offender’s behaviour or an availability of other substances in the home which the offender may use if not consuming alcohol.

Scenario 3:

Probation is unable to access MARAC information or background information from specialist services.



The imposition of the AAMR is made without a wider understanding of the known risk of harm and wider context of the domestic abuse offending which is unknown to criminal justice partners.

Probation and other multiagency partners expressed reservations about imposition of the AAMR when a couple were still living together. All professionals thought that it would put the survivor at further risk, especially if the survivor also used substances and the offender was coercively controlling. There was consensus from Probation that it would be very unlikely to recommend an AAMR as suitable in this instance. Further, if the IDVA service was not able to reach the survivor or did not wish to support prosecution, the risks to the survivor would remain unknown and therefore it would be unwise to recommend the use of the AAMR. While these early judgements seemed clear, Partners agreed to not make them exclusions as such but to allow for an adjournment period for Probation to gather information to make a sound judgement.

The pilot was structured to require an adjournment of at least 5 days to be made for the PSR author to conduct a comprehensive assessment. This would include contacting the local domestic abuse service, accessing MARAC information, contacting children's services and other relevant checks to enable the PSR author to make appropriate recommendations for sentencing. Fast Delivery Report's (on the day reports) were deemed not suitable in domestic abuse cases.

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*Lesson learned in the AAMR Planning: The suitability for the AAMR is linked to the ability to address the domestic abuse offending behaviour via BBR or one to one work. Each case should be considered on its own merits and a high degree of importance rests in the Probation pre-sentence assessment.*

*Lesson learned in the AAMR Planning: Partners agreed not to exclude cases before Probation could gather information and make a sound judgement.*

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While these early judgements seemed clear, Partners agreed to not make them exclusions as such but to allow for an adjournment period for Probation to gather information to make a sound judgement.

#### SUPPORT FOR THE SURVIVOR

All stakeholders agreed that the planning of the support for the survivor of domestic abuse was of utmost importance. The imposition of the AAMR would have to be done in a way which would allow for information to be given to the survivor quickly, and communication channels established to ensure that the survivor would be able to feedback concerns to the PSR writer should the AAMR was imposed. For the pilot, this was done by ensuring access to an IDVA who would be able to help make this contact quickly.

Partners set out to work within Respect's principles and standards for Integrated Support Service (ISS) which set out clear guidance to ensure the survivor's safety is paramount. The only safe way that work with domestic abuse offenders can be undertaken is if there is an ISS that contacts survivors and provides them with a support service and that information is promptly shared between offender manager and ISS worker. If BBR is imposed, liaison should take place between the domestic abuse service and the Domestic Abuse Safety Advisor (DASA) who will support the survivor whilst her partner/former partner completes BBR.

ADVANCE is the lead partner in the Angelou Partnership in the Tri-borough and provides the domestic abuse support service across the tri borough which includes multiagency work in the SDVCs. Advance was funded as a part of this feasibility study to work alongside partners to problem solve and plan around potential risks and mitigating factors and determine what additional support will be needed to support partners of those who are sentenced to AAMR's.

ADVANCE agreed the enhanced level of support and training needs that were required for the purposes of the study. This enhanced support ensured that an allocated worker had specific knowledge about the AAMR, had an excellent understanding of the links between alcohol and domestic abuse and would be in regular contact with the offender manager to effectively manage risks and develop individual safety planning for the survivor.

Adapted from Respect Standard 2012, following this the Guidance for ADVANCE set out for the pilot

An ISS is an essential feature of any Respect supported Domestic Violence Intervention for many reasons. An ISS helps to ensure that women's expectations of the intervention are based on realistic expectations. That they (and others) do not rely on the service to bring about an immediate cessation of violence and abuse. It helps to ensure that women's safety can be monitored and kept the highest priority. It also helps to ensure that work with the men receiving intervention is informed by an up to date awareness of the women's experiences. It is now widely accepted that working with perpetrators of domestic violence can only be undertaken safely if there is an ISS that contacts partners and ex partners and provides them with a support service.

#### Service structure and process ISS

The contact with partners and ex partners can be offered as phone contact, face to face sessions or a combination of both. The reality of the changing needs of women at risk from domestic abuse means that services will need to be flexible. Some women will need more hours of contact time and some less, some will enter acute periods of need and others will be relatively safe throughout their partner's involvement with the organisation. The service should be woman focused in responding to these variations.

The woman's contact details should be passed to the ISS within 24 hours of the disposal decision. The ISS will then contact the woman as

soon as possible within one week. The service will need to be persistent and proactive in establishing initial contact with partners and ex partners.

The imposition of the AAMR make this early contact imperative. If there is no safe or practical way to do this then serious consideration should be given to the viability of the disposal. The aim of promoting her safety and recognition of the potential risks mean that it is necessary to contact her to;

- Check she knows about the referral
- Check on her safety and access to information, advice and support
- Discuss the implications for her of this referral
- Inform her of what services are available for her locally

The focus of the ISS is to work with women associated with the men who have been assessed and are part of the domestic abuse AAMR feasibility pilot.

The ISS will work with other domestic violence agencies in order to ensure it is providing accurate information and an advocacy and support service. There will be times when the role of the ISS will be to advocate for an improved response from other agencies. Sometimes this will include the agency providing AAMR or supervising the AAMR; this will need to be handled sensitively but should not be avoided.

Close working between ISS and the AAMR supervisor/ offender case manager is critical to the identification of risk, informed risk management and to enhancing safety. It also promotes a shared understanding within the organisation and keeps women's experiences of abuse at the centre of the work. Organisations should have procedures and practical measures that enable this information sharing through a range of processes. The more effective and collaborative the relationship between the two services, the greater the opportunities to improve women and children's safety. New partners of AAMR clients should be seen as potentially at risk and consideration should be given to offering ISS. AAMR supervision staff in consultation with the ISS workers should use their discretion as to what constitutes a new relationship.

However, any relationship that lasts beyond four weeks will require the new partner to be contacted by the ISS. If a perpetrator returns to live with his own parents their safety needs will also need to be contacted and the ISS can consider them as at risk if he is residing at their home. All partners and ex partners must be informed as soon as possible and within a maximum of one week if any of the following occurs:

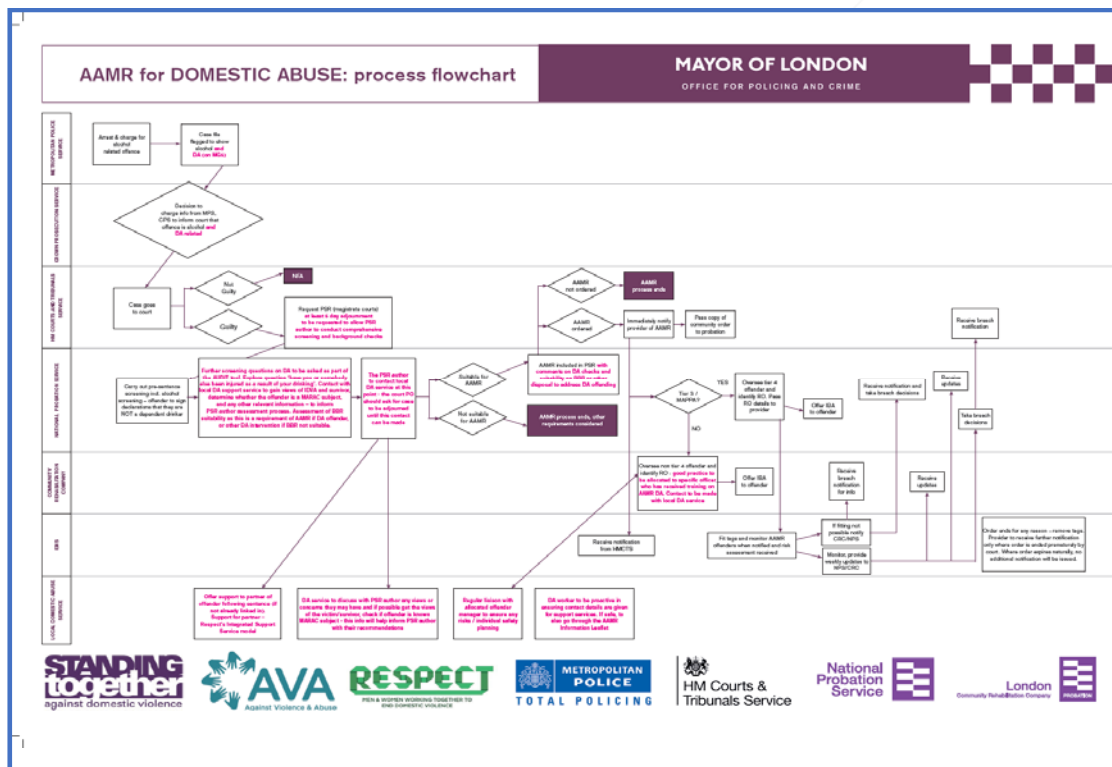
- A breach and any subsequent enforcement action

- A change in the requirement related to the AAMR
- Completion of the AAMR

*Lessons learned in the AAMR planning: Specific measures had to be put in place via IDVA services to ensure that swift and safe information to and from the survivor were assured for the pilot. This would have to be addressed for wider use of the AAMR and developmental links between IDVA services and early contact with the Domestic Abuse Safely Advisors (for BBR) would require development.*

*Lesson learned in the AAMR planning: If there is not safe or practical way to ensure swift and safe communication with the survivor then the AAMR disposal would not be a viable option.*

Following is the flow chart adapted from the original AAMR flow chart for the pilot. Note in pink the additional processes for use in piloting for domestic abuse cases.



## Section 2: Scoping the current sanctions used for DA offenders, effectiveness, compliance and reoffending rates and benefits and weaknesses of current sanctions available for DA offenders

Historically, the criminal justice system has been criticised for failing to give protection to survivors of domestic violence and not holding perpetrators accountable by failing to arrest, charge, convict and sentence appropriately (Kelly, 2002). In terms of sentencing, courts have come under scrutiny for failing to use the full range of sentencing options available in cases of domestic violence. Further, where perpetrators had been convicted, there has been a tendency to impose more lenient sanctions on perpetrators of domestic violence, compared with equivalent stranger violence (Smith, 1989, Cretney and Davis 1997 and 1996).

Nonetheless, magistrates have a wide range of options open to them when considering sentencing a perpetrator of domestic violence:

- Detention in custody (max. of 6 months for one offence, 12 months for two or more)
- Restraining order under the Protection from Harassment Act 1997
- Domestic violence perpetrator programmes as a requirement of a community order or suspended sentence order
- Community order
- Fine
- Conditional discharge

While there remains concern regarding sentencing nationally, the last two decades have witnessed a concerted effort to reform sentencing practice in cases of domestic violence. The introduction of Specialist Domestic Violence Courts (SDVCs) has sought to shift criminal justice priorities to focus on survivor safety and perpetrator accountability. With regards to sentencing, the SDVC model aims to use the full range of sentencing options to achieve the dual goals of safety and accountability.

For offenders who are assessed to be dependent on alcohol, an Alcohol Treatment Requirement (ATR) can be imposed for between 3-9 months as part of a community order. If the requirements for an ATR are not met, alcohol can be addressed as part of the Rehabilitative Activity Requirement (RAR) at the discretion of the supervising officer in Probation.

### Benefits and weaknesses of current sanctions available for DA offenders

The discourse around appropriate sanctions in cases of domestic violence are significant and varied. Between the mid-90s to mid-2000's, a number of studies found that the most common disposal was through fines and conditional discharges, and that community penalties and custodial sentences were rare (Cretney & Davies, 1996; 1997; Cammiss, 2006). This has led to criticism of the use of those sanctions which are considered overly lenient, whilst failing to take account of the safety of the survivor.

In any given case, it is important to establish the goal of imposing a particular sentence, and what kind of outcome it is intended to achieve. For instance, at the time of sentencing, the

perpetrator may still pose a significant risk to the survivor, and therefore sentencing may need to address safety needs as a priority. Alternatively, the survivor may have already put a number of safety measures in place by the time of sentencing, and so ensuring the perpetrator receives a sentence that holds him accountable for the crime committed may take priority. In most circumstances, these goals overlap and complement each other.

The effective way to establish the most appropriate sanction in any given case, is through a combination carrying out a thorough pre-sentence report using all available information from multi agency sharing; and providing the opportunity for the survivor to provide a survivor impact statement. While such practice is important in establishing the best course of action in individual cases, it is also essential to understand the effectiveness of these sanctions overall.

As mentioned above, the disposal of domestic violence cases through a conditional discharge or fine has come under intense criticism, and therefore specialists in the field of domestic violence have warned against invoking these sentences alone. Much of the criticism lies with the suggestion that such modes of sentencing tend to eclipse the needs or interests of the survivor. Indeed, research has found that survivors of domestic violence are generally left feeling unsatisfied with these kinds of sentences. Cretney and Davies (1997) interviewed survivors who generally either felt that such sentences did not reflect the seriousness of what had happened to them, or did nothing to try and prevent the abuse from happening again. Most alarmingly, some survivors indicated that such unsatisfactory outcomes would prevent them from using the criminal justice system to deal with the abuse if it happened again, as benefits of engaging with the process were too small compared with the stress (Cretney and Davies, 1997).

Alternatives to fines and conditional discharges include perpetrator intervention programmes, prison sentences and restraining orders. Ruth Lewis (2004) conducted a longitudinal quasi-experimental evaluation of criminal justice sanctions for domestic violence offenders, conducted in Scotland. The study comprised 122 men sentenced within the criminal justice system for violence upon their partners and 134 women whose partners had been sentenced (95 couples). Lewis found that sentences with a rehabilitative component (e.g. a perpetrator programme) were associated with fewer incidents of repeat violence compared with traditional deterrence/punishment-based sentences (e.g. fine/prison). Women reported that 33 per cent of men who completed a perpetrator intervention programme, in comparison with 70 per cent of men who received a traditional sanction, committed a subsequent violent act against their partner in the 12 months after sentencing. This is also supported by more recent evaluations of CDVP and IDAP (Bloomfield & Dixon 2015) which evidenced that interventions were effective in reducing domestic violence reoffending and any reoffending in a two-year follow up period with small but significant effects. It has been theorised that while prison sentences can provide a window of safety for survivors, because sentences are generally small, a prison sentence alone can exacerbate violence rather than prevent it. The conditions of prison (i.e. prison violence, drugs, long periods of incarceration, solitary confinement) can make the circumstances in which abuse occurs more volatile, whilst doing little to change perpetrator's abusive behaviour. Indeed, on release, some perpetrators may blame the survivors of their abuse for their incarceration, and without anything in place to prevent them, may seek retribution (Richie, 2012). However, as stated above, a prison sentence may be a necessary measure in offering immediate protection to survivors at risk of further harm.

In terms of perpetrator programmes, while there is evidence that robust programmes have a positive impact on behavioural change and levels of violence, the evidence is not straightforward nor is positive behavioural change a guaranteed outcome for all participants. Behavioural change interventions must be accompanied by an effective and fully integrated partner support service in order to be run safely in order to monitor and manage ongoing risk presented by perpetrators as well as to promote realistic expectations of survivors of these offenders.

While there have been no evaluations which have been able to show which components of a programme increase its effectiveness, accredited programmes within both criminal justice (accredited by CSAAP) and community interventions in the UK accept the following key principles: working as part of a coordinated community response; using robust assessment prior to intervention being offered; prioritising effective risk identification, and risk management alongside behavioural change goals; maintaining fully integrated partner support services with shared case management; taking a respectful and strength based approach; and having a gender informed understanding of domestic violence and abuse. (For fuller discussions of programmes see Morran and Wilson, 1997; Pence and Pay, 1993, Respect Standards 2017). All perpetrator interventions are only effective as part of a whole system approach to domestic violence and as Gondolf cites, 'the system counts' (Gondolf 2002).

In the UK, we have the benefit of RESPECT Standards (launched 2008, revised 2017) and accreditation which provide a framework by which to judge the safety and effectiveness of perpetrator intervention providers. Project Mirabal, a research programme initiated by Respect, was conducted by Durham University's Centre for Research into Violence and Abuse (CRiVA) and London Metropolitan Universities (Kelly & Westmarland, 2015). The project sought to investigate "the extent to which perpetrator programmes reduce violence and increase safety for women and children, and the routes by which they contribute to coordinated community responses to domestic violence." This five-year study which was the first of its kind in the UK, found that the tools learnt on a Domestic Violence Perpetrator Programme (DVPP) enabled some men to recognise and improve abusive behaviour and to also importantly enabled their current or former partners "space for action" to address their own needs and safety.

Therefore, behavioural change work should be considered as only one of a range of possible responses to men's violence, any recommendation for a disposal requires a case by case assessment.

The effectiveness of restraining orders in preventing further acts of violence has been the source of considerable on-going discussion in the domestic violence research community. One of the earliest studies comparing women with and without a restraining order, found that women without an order were more likely to be abused again, and that those with restraining orders were less likely to be re-abused. However, this was only if their prior injuries were less severe. For women with more severe injuries, restraining orders had no effect on whether the abuse recurred. Restraining orders appear to be more effective in stopping verbal abuse than physical abuse. Thus, if an abuser inflicts severe physical violence, a restraining order has little effect on stopping abuse from occurring again (Grau, Fagan, and Wexler, 1985).

More recent research conducted by Holt, Kernic, Wolf, and Rivara (2002) also appears to confirm this, finding that in general, having an indefinite restraining order was associated with a significantly decreased risk of new episodes of violence. The same team conducted further research in 2003 which involved interviewing survivors over several months. They found that 65% of the women in their study with restraining orders at the baseline interview who also had restraining orders at the follow-up interview experienced a substantial and significant decreased risk of further abuse (Holt, Kernic, Wolf, and Rivara, 2003). In addition, although the men who were named in the protection orders continued their abuse, they were less likely to commit acts of severe violence if they had been arrested. Thus, the optimal use of civil protection orders must be in conjunction with vigorous prosecution and significant sanctioning of abusers (Harrell & Smith, 1996; Klein, 1996).

Chaudhuri and Daly (1992) interviewed 30 women who petitioned the courts for a restraining order, and helpfully summed the effectiveness of restraining orders based on their results. The researchers' answer to the question "Do restraining orders work?" was "It depends." If the goal is to increase police responsiveness, then the answer is yes. If the goal is to increase the likelihood that abusers will be arrested, then the answer is no. If the goal is to reduce the chance that a man will abuse again, then the answer is maybe. And if the goal is to empower women to end abusive relationships, then yes, restraining orders work.

Therefore, the biggest challenge to the effectiveness of restraining orders lies with poor enforcement when an abuser violates the order. However, research that has addressed whether restraining orders are effective has provided some information that supports the notion that restraining orders provide some level of protection for survivors but should be part of a range of options for women to choose how best to remain safe from further abuse. Where survivors have reported violations, this should be responded to with vigorous prosecution and significant sanctioning of abusers (Harrell & Smith, 1996; Klein, 1996).

(Bibliography: Appendix 2)

## Section 3: Piloting results

### 3.1 Preparation for piloting in the Tri borough/ SDVC courts in Hammersmith and Westminster

After consultation, training and briefings, the pilot aspect of the feasibility study went live in the Hammersmith and Westminster Magistrates court on the week commencing 23/01/17.

#### **Briefing Sessions**

Partners conducted training in the form of comprehensive written briefings to relevant judiciary, NPS, CRC and Domestic Abuse services. Face to face training sessions were conducted and ad hoc, one to one sessions took place as necessary. The face to face training was conducted by AVA and RESPECT and was attended by:

- ADVANCE IDVA's

- STADV's SDVC Coordinators x2 and AAMR Project Manager and CEO
- Court Probation staff
- Probation / CRC (local offices)
- A representative from the AAMR tagging company
- MOPAC Insight Team

An example of a written briefing to partners is outlined below which demonstrates the range of coordination required between specialist services and criminal justice partners.

<b>METROPOLITAN POLICE SERVICE</b>
<p>As highlighted in the original testing of the AAMR, The Metropolitan Police Service's (MPS) is responsible for ensuring the influence of alcohol in offences is highlighted. This should take place in accordance with the charge and arrest procedures.</p> <p>The MPS are responsible for ensuring a flag or marker is recorded on MG5s in offences where the offender may be eligible for an AAMR. The MG5 also allows the MPS to flag or marker a domestic abuse (DA) case.</p>
<b>JUDICIARY, CPS, COURT CLERKS</b>
<p>CPS to inform court that the offence is alcohol and domestic abuse related.</p> <p>For cases where the AAMR is being considered and domestic abuse is a feature, the bench should request a PSR with at least a 5-day adjournment to allow the PSR author to conduct a comprehensive assessment and make recommendations on whether the AAMR disposal is suitable for this particular DA offender.</p>
<b>NPS COURT OFFICERS AND PSR AUTHORS</b>
<p>When the bench is considering an AAMR for a domestic abuse case, NPS court officers will be requesting that at least a 5-day adjournment is given to allow for the PSR to be written.</p> <p>The PSR author will assess the offender using the AUDIT which will determine their suitability for an AAMR, i.e.; that they are not alcohol dependent.</p> <p>When DA is also a feature, the PSR author will be expected to carry out further Pre-Sentence checks and consider other elements of the background and living situation.</p> <p>The PSR author should ask additional screening questions specifically around domestic abuse which would inform their thinking in their suitability of the AAMR and their recommendations for sentencing. There is already a question which asks, 'have you or somebody else been injured as a result of your drinking' so these additional screening questions would follow on from this.</p> <p>There will also be consideration of using questions from the Respect DASH RIC for perpetrators to further inform the PSR author in their recommendations for sentence.</p> <p>In DA cases, the PSR author should check their own agencies records to see whether the offender is flagged as a MARAC subject and ideally making contact with the local domestic abuse service. The purpose of doing this would be to allow the PSR author to speak to the allocated domestic abuse caseworker (if the partner is already linked in) and to get any views of the worker and partner if possible about the possibility of this sentence being imposed. This could highlight potential risks and whilst the views would not be written verbatim in the PSR, this information will</p>

inform the authors thinking when considering whether an AAMR disposal is a suitable sentence with this particular DA offender.

In addition to the checks already done by the PSR author, we would want to ensure that appropriate checks were being made with adult services such as mental health and substance support services.

PSR authors will also need to give consideration to any other members of a household having substance misuse issues. This could be a survivor or survivor being alcohol dependent who could be placed at greater vulnerability due to restrictions on the offender's behaviour or an availability of other substances in the home which a tagged offender may be at greater vulnerability of engaging with if not consuming alcohol.

#### **ALLOCATED OFFENDER MANAGER – NPS / CRC**

If an DA AAMR has been imposed, the offender manager will link in with the local domestic abuse service. This should happen as soon as practically possible following the allocation of the case. The offender manager will be in regular communication with the allocated domestic abuse worker (of the offenders partner) to enable discussions relating to risks and safety to be had.

Depending on what the court ordered, the allocated offender manager will either conduct the one to one work on domestic abuse or manage the offender whilst completing the BBR programme. The offender manager will communicate with the domestic abuse worker to ensure they are aware of when the offender is starting the programme and can facilitate the liaison with the Domestic Abuse Safety Advisor who will work with the partner whilst the offender is on the BBR programme.

#### **LOCAL DOMESTIC ABUSE SERVICE**

At Pre-Sentence stage, the local DA service will be contacted to gain views about the potential of this sentence being imposed. If the partner is already linked in with them they may be able to discuss any views, risks or highlight any concerns about this sentence being imposed. It will be clear that this information will not be used verbatim in the PSR but will be used by the PSR author to inform their thinking about suitable recommendations for sentence.

The DA service will work within Respects principles and standards for AAMR Integrated Support Service (ISS) which set out clear guidance to ensure the partner's safety is paramount. The local domestic abuse service will offer and provide support to the survivor. If a BBR has been imposed, liaison will take place between the domestic abuse service and the Domestic Abuse Safety Advisor who will support the survivor whilst her partner completes the BBR.

#### **ELECTRONIC MONITORING SERVICES**

EMS will be aware that they are fitting the tag to a DA offender and will be aware of any potential concerns or risks. This will be addressed through training.  
Any concerns should immediately be communicated to the allocated offender manager.

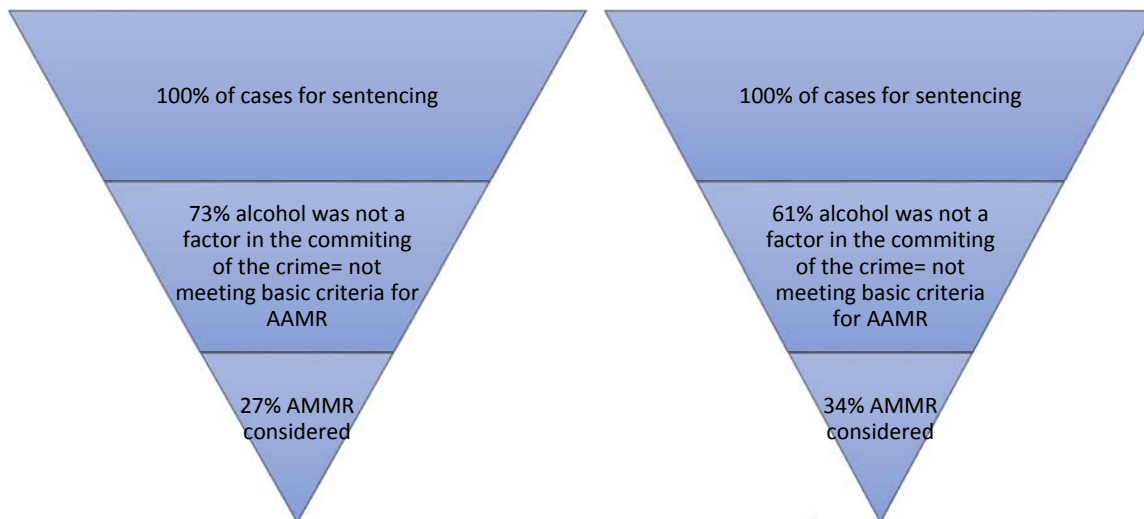
### **3.2 Use of AAMR in pilots in Tri borough/ SDVC courts in Hammersmith and Westminster**

Throughout the whole of the piloting period in the Hammersmith and Westminister Magistrates court (approximately 8 months), only 4 AAMR sanctions were imposed.

The graphs below show the total volume of domestic abuse related offenses, the numbers in which alcohol was a factor in the commitment of the crime, and then the number of time the AAMR was considered.

Hammersmith SDVC

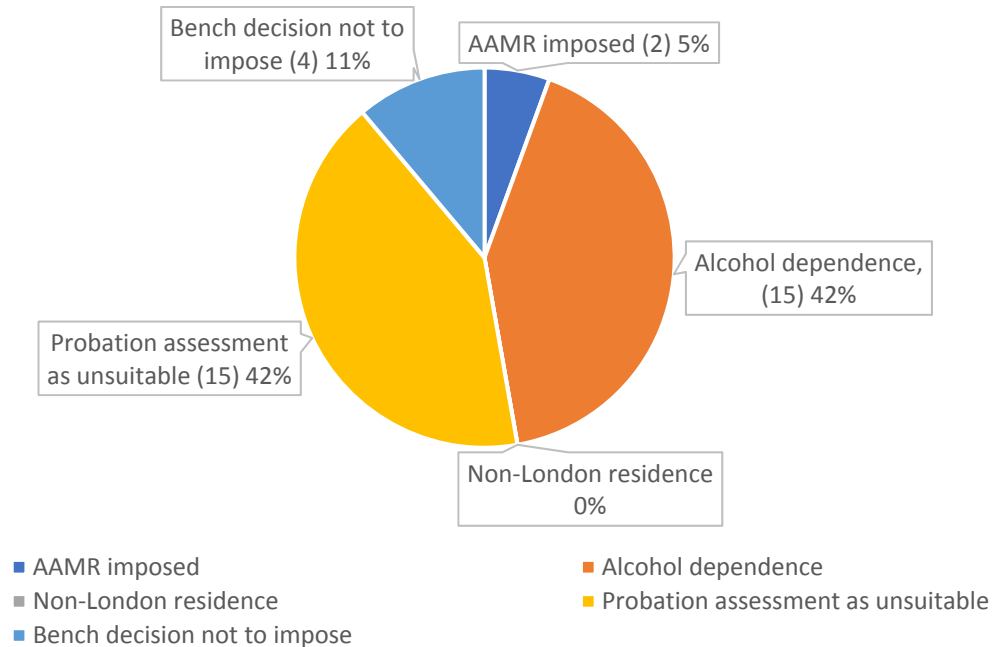
Westminster SDVC



Hammersmith Magistrates Court saw a slightly lower percentage of people to be considered for the AAMR than Westminster Court. This is consistent with the estimates done prior to piloting in which it was thought that 20% of cases up for sentencing in the SDVC courts related to the use of alcohol. In the pilot, the percentage for Westminster was higher- closer to 40% where alcohol was a feature in the commitment of the crime. The discrepancy is more likely because Westminster covers the West End and popular locations in London where people socialise in pubs, bars and clubs.

The SDVC Coordinators monitored all the cases to assess whether they were alcohol-related and reminded SDVC partners to assess for the suitability of the AAMR sanction.

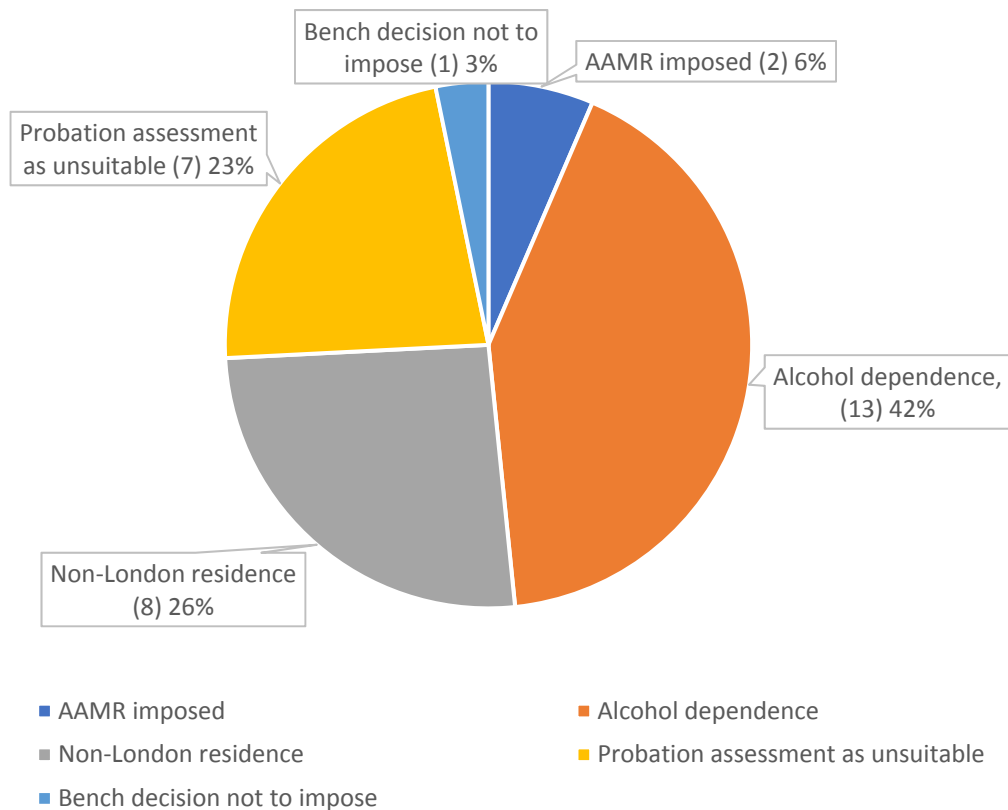
#### Outcomes for the Hammersmith Magistrates Court Decisions on Imposition of the AAMR



In most of cases (84%) in Hammersmith Magistrates Court, the PSR writer assessed that the AAMR would be unsuitable, either because the defendant was alcohol dependent, in 42% of cases, or for other reasons, explored in the case studies below.

In no cases was the decision based on residency in London (required as per the contract with the tagging company) which differs from Westminster Magistrates Court data below. In 5% of the cases, the AAMR was imposed. As this number was very low the piloting period was extended to determine if there would be a change or an increase in frequency in the use of the AAMR. However, there was no deviation from this pattern even when the piloting was extended for a period of a further six months.

## Outcomes for the Westminster Magistrates Court Decisions on Imposition of the AAMR



The decisions at Westminster differed somewhat from Hammersmith. Percentages of alcohol dependent offenders were similar 42% of those considered for the AAMR. Similarly, the bench decided against the recommendation to impose the AAMR in only one case. A key distinction in Westminster was that there were more exclusions because the offender was not a resident of London. This is likely because Westminster hears cases of people who come to the West End and other popular areas and commit crime. The most notable difference in Westminster is that Probation assessed the offender as not suitable in only 23% of the cases as compared to 42% of the time in Hammersmith. This indicates that there are differing levels of professional judgements made by Probation and is further reinforced in the case studies below.

Perhaps the most important similarity is the low level of use of the AAMR in both courts which was 6% of the time. These relate to small numbers. In these courts over the course of 9 months of piloting, the AAMR was only imposed in 4 cases.

Following are case studies which emerged from the pilot. They are not held as a best or poor practice examples but simply to illuminate the dynamics of cases, the decisions made and the challenges front line professionals face in making decisions without the benefit of all the information they require. These cases also do not always contain the full detail of the professional judgements made by Probation. Their thought process is not contained in the PSR document so to understand their professional judgement, contact was made post assessment. For example, some PSRs did not mention the AAMR even when it was considered and deemed unsuitable by the PSR author. That level of detail is not always contained in the PSR document.

### 3.3 Case Examples: Example of when the offender had used alcohol in the commitment of the crime but the AAMR was not recommended to be imposed or when the judgement of Probation was unclear.

#### **Case example 1:**

At the time of the pre-sentence report, the survivor had left the marital home and moved to temporary accommodation with their two young children. She had not requested a restraining order, though the bench noted that the Survivor Personal Statement showed she feared him. The defendant had been staying with his parents. It was thought to not be appropriate to impose a curfew or AAMR there, because it was in the same area as the survivor's temporary accommodation. The defendant did not know where the family had moved to, and it was not possible to state the location in open court for safety reasons. The survivor's brother had also been assaulted, and had remained living in the couple's home. He did not make a statement but the charge was brought due to information from the survivor's statement.

This may have been a case when the AAMR could be considered but the AAMR had not been proposed in the PSR, though a curfew had. This may have been because the IDVA was not able to reach the survivor to have her input on the AAMR during the PSR assessment period. The SDVC Coordinator addressed this with Probation on the day of sentencing but with lack of communication from the survivor, the recommendation remained unchanged.

The offender was sentenced in late June 2017 to 12-month Community Order, with 25 days RAR and £600 fine.

#### **Case example 2:**

The domestic abuse assaults took place in public and members of the public were also assaulted. In the PSR, the perpetrator group programme, Building Better Relationships (BBR), was not recommended as one-to-one support thought to be more appropriate due to mental health needs. The PSR had recommended AAMR but did not state that there had been contact with the IDVA service for input. The SDVC Coordinator contacted IDVA service, who asserted a concern about the possible imposition of the AAMR because the survivor was pregnant, had previous convictions against previous partners and the defendant had mental health needs. The Probation Officer in court concurred with these concerns and withdrew the recommendation related to the AAMR.

The offender was sentenced in late May to 18 weeks suspended 2 years, 40 days RAR within 12 months and compensation of £560 and costs.

#### **Case example 3:**

The couple were currently living together – further information was not known by the IDVA service to enable a decision to be made or to offer further support to the survivor.

The offender was sentenced in mid-June to 18-month community order with 40 days BBR and 20 days RAR, fine and costs.

**Case example 4:**

The AAMR was not mentioned in PSR, though it did mention that alcohol was involved in committing the offence. Discussion with the Probation Officer in court revealed that he had not felt the AAMR to be appropriate given that defendant lives with his children, the youngest being 15 years old but not further information was supplied as to further reasoning for professional judgement.

The offender was sentenced in early June to 12 weeks suspended 18 months, 30 days RAR, 40 days BBR, costs and compensation, RO until further order.

**Case example 5:**

The AAMR was not recommended in the PSR as the offender presented himself as the “carer” for the survivor who has mental health needs. She gave evidence for him in court.

The offender was sentenced in early May to 12-month community order, 40 days RAR and £100 fine.

**Case example 6:**

The AAMR was not recommended in the PSR as the couple were living together and further information regarding the context of the relationship was not known.

The offender was sentenced in late April to 18-month conditional order, 25 days RAR and 40 days BBR.

**Case example 7:**

The AAMR was not recommended in the PSR as Probation did not consider alcohol to be a deciding factor in his behaviour. The Bench Chair stated at sentencing that the incident was a sustained and repeated assault and has crossed the custody threshold.

Sentenced in late April to 12 weeks suspended for 12 months, with 30 days RAR and 150 hours of unpaid work. Costs and surcharge of £200.

**Case example 8:**

The case was discussed with the IDVA service and the survivor supported the potential sentence of the AAMR. The Probation Officer in court stated that a AAMR would likely not be suitable given the defendant has sole custody of his daughter and the abuse of alcohol seemed to be a one-off for the defendant.

The offender was sentenced in early February to 16 weeks suspended 18 months, with 40 days BBR and 20 days RAR, and costs.

Out of a further 14 cases that were considered by Probation, three were excluded because the defendant was of no fixed abode, four because the defendants were sentenced to custody, and the remainder were excluded because the defendant’s alcohol use did not meet the threshold for the AAMR to have significance.

### 3.4 Case Study: Examples of how safe intervention works in a SDVC

#### **Case example 9:**

A case was listed in the SDVC and in her preparations for the day, the SDVC Coordinator noted that the PSR had recommended the AAMR. The PSR writer did not appear to have made enquiries with the IDVA service. The SDVC Coordinated noted this and contacted the IDVA service who was able to get through to the survivor with whom they were already in contact due to the normal SDVC referral channels. The IDVA service could convey that the survivor also used alcohol and wanted to reconcile with the offender and therefore the IDVA service had concerns that the AAMR would present an increased risk for the survivor.

The Probation Officer in court agreed with this judgement and conveyed this verbally to the bench in court.

This case exemplifies that the PSR writing did not follow the agreed guidance for this pilot and, the only way this was picked up was via the SDVC Coordinator on the day demonstrating the need for clear guidance to PSR authors to be aware of and follow the guidance regarding survivor input and impact.

### 3.5 Case Study: Examples of the professional judgements which require deviation from the AAMR parameters set

#### **Case example 10:**

The offender committed the assault soon after being convicted and sentenced for a previous offence against the survivor for which he was given a community order with RAR and BBR. The defendant has 2 previous convictions for DV and 2 cautions, involving a different survivor.

For the current offence, he plead not guilty and the trial look place late March. The offender was observed by independent witnesses punching, kicking and dragging the survivor. He was found guilty at trial. As he was on an existing community order, it was agreed that the matter would be put over to the SDVC court day and Probation would write an addendum report to the last PSR. The addendum proposed that the existing order be revoked and another almost identical order be imposed with the addition of the AAMR.

The addendum report stated that the defendant had been complying with the community order so far and had just started the BBR and was complying. Probation confirmed that the defendant and survivor do not reside together. The defendant in court stated that he was remorseful for his actions (although he had pleaded not guilty and therefore the survivor had to endure the experience of the trial) and since the offence had been addressing his behaviour through the BBR programme, he stated that he needed to address his alcohol intake.

The prosecution was a “victimless prosecution” and no contact had been made with the survivor via the Officer in Charge of the case, the IDVA service or the Women’s Support Service via the BBR programme.

The defendant was given a suspended sentence – 4 months suspended for 18 months with BBR and up to 30 days RAR and an AAMR to run for 120 days.

In this case, the further adjournment of 5 days that would enable an attempt to contact the survivor did not happen. While the contact with the survivor via domestic abuse services was not made Probation felt they understood enough about the offender to make the PSR addendum judgement. This demonstrates that there are cases in which Probation will feel it is appropriate to deviate from agreed parameters due to their knowledge from previous experience of the offender.

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*Lesson learned from the AAMR pilot: Often the input of the IDVA service and therefore the survivor of abuse is not considered for the PSR even when this is part of the agreed protocol.*

*Lesson learned from the AAMR pilot: The ability for the IDVA service to achieve contact and to develop a trusted relationship is not always achievable in the short period of time in which the PSR assessment takes place (5 days).*

*Lesson learned from the AAMR pilot: The PSR does not always contain the detail of the judgement and decision making as to why the AAMR was not recommended so it is not always clear if it was considered fully or not.*

*Lesson learned from the AAMR pilot: Judgements of individual Probation officers differ in terms of the suitability of the AAMR. There are cases when the Probation Officer at court's opinion differs from the PSR author.*

*Lesson learned from the AAMR pilot: There are examples of when the bench did not concur with the PSR recommendation.*

*Lesson learned from the AAMR pilot: The AAMR is used infrequently even when the SDVC Coordinator has highlighted the cases that have met the threshold criteria for further assessment by the PSR author.*

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## Implementation Challenges to the proposed AAMR piloting requirements

Since the commencement of the piloting, Partners have been made aware of issues regarding confidentiality of information in that it was not possible for offender managers from CRC to share information, even regarding breaches of the AAMR sanction, to the domestic abuse worker. This would mean that, if an offender breached his AAMR requirement and consumed alcohol, the offender manager would not be able to communicate this to the survivor. So, the breach and any of the consequences, including the tag being removed, may remain unknown to the survivor. This presents challenges in terms of risk management and information sharing in terms of safety planning with the survivor. Partners could mitigate this by working with MOPAC to make an amendment on a court form that is signed by the offender to give permission to share information but this would have to be addressed resolved if MOPAC implements or recommends a wider rollout for the use of the AAMR with offenders of domestic abuse.

In addition, when a AAMR sanction is imposed and the tag is physically put on the offender by EMS, there is a period of 5 days to a week before the offender manager at the CRC would be known and named. This leaves no one for the IDVA service or the survivor to liaise with if there are initial concerns regarding the early use of the AAMR tag. It may be in this period when this communication link is the most critical. For the pilot, this was addressed by close working with the domestic abuse service to ensure that they had contact and access to NPS and CRC as required. This was also mitigated by the small number of cases in which the AAMR sanction was imposed. However, domestic abuse support services across London would have varying levels of close working relationship which would allow a similar degree of quick communication. This would have to be resolved if MOPAC implements or recommends a wider rollout for the use of the AAMR with offenders of domestic abuse.

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*Lesson learned from the AAMR pilot: MOPAC would have to resolve the issues related to communication of breaches of the AAMR sanction to the survivor as well as effective and quick communication with the offender manager.*

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### 3.6 The South London courts: Camberwell and Croydon Magistrates Court

The Magistrates Courts in Croydon and Camberwell piloted the use of the AAMR with domestic abuse offenders for the months of August and September resulting in no use of the AAMR sanction.

After the extension of the piloting phase of the feasibility study was negotiated in late Spring, 2017, Partners set out to establish the planning for piloting in Camberwell and Croydon Magistrates Court. The requirements for piloting remained the same as in Hammersmith and Westminster Courts so no changes or adjustments were made which would differ from the requirements set out in section 1. However, the context of these courts was different. These court areas cover Croydon, Sutton, Southwark and Lambeth and there is no a SDVC structure in these courts. Further, there are four IDVA services in these boroughs:

1. Croydon: The Family Justice Centre which is run by the council.
2. Sutton: Victim Support which is co-located with Sutton Police and commissioned by the council.
3. Southwark: Solace Women's Aid which is commissioned by the council
4. Lambeth: The Gaia Centre run by Refuge commissioned by the council

There were no existing criminal justice working groups, court management groups or operational groups to attend which would naturally help organise or influence this pilot so this required individual meetings and arrangements with all services. There was also little data about the number of domestic abuse cases dealt with by these courts. They do not cluster cases or track cases as the SDVC courts do so the information contained in earlier sections of these reports was not available for this study.

Progress was aided by the fact that Partners had developed written materials, flowcharts, briefing papers and leaflets for survivors and by the fact that Partners could rely on initial lessons learned from piloting results from Hammersmith and Westminster Courts. As the original AAMR pilots were done in Croydon and Camberwell (the pilots which excluded domestic abuse offenders) the level of knowledge about the AAMR among Probation and the Bench in these courts was much higher than in the Tri-borough courts. It was for this reason that the assumption was that there would be a greater uptake of the AAMR in these Magistrates Courts.

Partners decided that whilst the briefing papers and general guidance would likely be sufficient for all other criminal justice partners, Probation and the IDVA service would require negotiation and attention. The Probation teams in Croydon and Camberwell were responsive and enthusiastic to aid in the planning and implementation of the pilot as were the IDVA services. Luckily the standard of practice in Croydon and Camberwell probation already meant that there is an adjournment of five days for a PSR for domestic abuse cases. The on the day assessments by which Probation is often held to in their performance targets have not impacted the prioritisation that these Probation teams have taken to ensure a thorough PSR for domestic abuse cases.

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*Lesson learned from the AAMR pilot: London consists of specialist support services offered in a variety of settings (statutory and voluntary sector teams) with different commissioning expectations. While in principle the support offered is similar, the ability for services within each borough to adapt quickly to the safe use of the AAMR presents challenges.*

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### 3.7 Feedback from Probation and IDVA teams prior to piloting

General comments from the Camberwell Probation team about the use of the AAMR for non-domestic abuse offenders:

- Since 2016, they could not think of many cases where the AAMR had inadvertently been used in a domestic abuse related offence. Of the one case that could be identified, the AAMR was imposed alongside a BBR requirement.
- Their impression was that the Bench in Camberwell had not imposed the AAMR very much to date (from 2016 to July 2017). They explained that even when they are recommended in the PSR, the sanction is “argued down” by defence solicitors quite frequently. They hear a lot of arguments in court about the need to cut down on alcohol but not to abstain completely which tends to persuade the bench that the AAMR sanction is not required. They cited a recent example (not in a domestic abuse related case) where the offender’s solicitors argued that the AAMR would mean that he could not swim every day which was his normal activity so the bench agreed the AAMR would not be suitable.
- The general feeling was that the use of the AAMR as a punitive measure is perceived by the defence and the bench as being more restrictive than another punitive

sanction such as unpaid work. Unpaid work it restricts liberty for the days it takes to complete the work whereas the AAMR is a restriction imposed for a longer period.

- Often in interview offenders minimise their use of alcohol but then when they understand the possibility of the AAMR, they will admit or change their admissions about dependency on alcohol use to officers.

Comments from both Camberwell and Croydon Probation team and IDVA services in relation to judgements re the use of the AAMR with DA offenders:

- All felt that the adjournment for a well-informed PSR is essential for DA cases as opposed to other cases as the context of the complex relationship considerations are important to consider when thinking about imposing a AAMR sanction.
- All felt that Probation must have time to develop a sound professional judgement on these cases.
- All agreed that much of the information about domestic abuse is unknown to them and that they often could not be confident that they fully understand the level or risk or seriousness of the situation.
- All agreed that there is an imbalance of power in domestic abuse and if this sanction appears to give power to the survivor (“I have this tag because the court believed you”) then there could be direct repercussions for the survivor and further abuse.
- All agreed that there is often a huge difference between how the offender will describe the relationship and how the survivor would describe it. While they do not often get the advantage of hearing the survivor’s views, they could think of cases where they know the offender is overly optimistic or minimises the domestic abuse and the survivor has a very different view.

What are the types of consideration that would make Probation less likely or not consider the use of a AAMR:

- Cases that do not meet the criteria or cases where it is clear the offender may be more dependent on alcohol than admitted in interview.
- Cases that do not meet the criteria to address the domestic abuse. Consideration for the BBR programme or one to one work to address the domestic abuse offending behaviour would be the initial threshold for Probation before the assessment for the suitability of the AAMR would take place.
- Cases where the survivor and offender were living together. All felt it would not be suitable to recommend if the survivor was living with the offender. They feel similarly about the idea of a curfew as not acceptable as you do not know how much this would increase the risk for the survivor. With the AAMR the offender must “pass by” the AAMR unit/box every day so it acts like a curfew in that sense.
- Cases where the offender was unable to understand and comply with the sanction fully.
- Cases where the offender’s mental health was unstable. All felt that it would not be suitable if there were indications of mental health concerns which may interfere with the offender’s ability to comply with the sanction.

What are types of considerations that would enable Probation to positively consider the use of the AAMR:

- Meets the AAMR criteria- not alcohol dependent, use of alcohol in committing the crime.
- Not living with the survivor and a full understanding of the context of the relationship from both from the offender and survivor's point of view.
- In the interview with the offender, it was clear that he understood the use of the sanction, what he had done and a willingness to accept responsibility.
- Officers could recollect situations where they felt the offender demonstrated genuine remorse and they felt the AAMR would be a motivation tool to help demonstrate his willingness to commit to change. Some felt that for civil court proceedings running in tandem with the sentence, the AAMR may be a way to help demonstrate responsible behaviour and a willingness to change.

Information accessible for the PSR writer in Camberwell and Croydon:

- Previous callouts for the last 5 years
- MASH information- children's services information
- MARAC – nDelius will often show a marker to indication a MARAC
- Offender interview where they would be looking for:
  - Ability to address domestic about via BBR or one to one work
  - Indications of entitlement
  - Misogynistic views
  - Minimisation of the domestic abuse
  - Context of the relationship
  - Mental health concerns
  - Alcohol assessment

Information often missing currently for the PSR writer in Camberwell and Croydon that was more likely to be available in Hammersmith and Westminster courts:

- No way to contact the survivor via an IDVA service at the time of the PSR writing period
- No victim impact statements.
- MARAC- while there may be a marker on nDelius, they often will not know further information. Their MARAC rep from Probation from these boroughs changes and they do not often have detailed information from the MARAC.
- They do not have information from the local IDVA service.

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*Lesson learned in the AAMR pilot: Probation PSR writers unanimously agreed on the need to understand the context of domestic abuse in considering the use of the AAMR but there were barriers to obtaining accurate information in time for sentencing, even with an adjournment of five days.*

*Wider systemic lesson learned: There is not consistent communication channels between Probation (PSR writers) and also offender managers and specialist services for domestic abuse.*

*Lesson to be learned in the AAMR Pilot: Probation PSR writers do not have consistent information regarding input from survivors and MARAC to aid them in their judgements for reports.*

*Lesson to be learned in the AAMR Pilot: There appears to be a common misconception in Probation that the AAMR is like a curfew. While the offender should be in range of the basic unit daily, there are ways of addressing this requirement which is less like a curfew.*

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### 3.8 Use of AAMR in pilots in Camberwell and Croydon Courts

The Magistrates Courts in Croydon and Camberwell piloted the use of the AAMR with domestic abuse offenders for the months of August and September. The preparation for this entailed two briefing sessions; one in Camberwell and one in Croydon and one to one work with the IDVA services in each of the four boroughs. In some cases, this was a one to one meeting and with others, this was done over the phone and email.

During this time, no cases of domestic abuse sentenced in Camberwell Magistrates Court utilised the AAMR sanction. Two cases were considered in Croydon Magistrates Courts. One case met the threshold for consideration of the AAMR but upon further assessment for the PSR, it was found that the survivor had not been in contact with the IDVA service and there were unresolved issues as to whether the survivor of abuse was seeking a restraining order. In this circumstance, the AAMR was not recommended. In the second case, there was active engagement with the IDVA service and the AAMR was considered for the PSR but it was not imposed. As with some of the PSRs in the Westminster and Hammersmith courts, it was not detailed in the PRS as to why the use of the AAMR was not recommended.

## Section 4. Feedback from stakeholders post piloting

This feedback was obtained by conducting one to one interviews with those who participated in the pilot. These interviews were done over the phone by a member of staff at STADV who was not involved in the day to day running of the pilot or the feasibility study on the AAMR in order to obtain an objective view from stakeholders.

Some of this feedback related to whole system issues in the criminal justice system and some relate to the piloting of the AAMR specifically. Challenges in the whole system effect the ability to safely implement or introduce a change such as the AAMR. For this reason, there are wider system lessons outlined in the summary of this report.

### Support Services for Survivors

These comments come from five separate services for survivor/survivors, covering the London boroughs of Westminster, Hammersmith & Fulham, Kensington & Chelsea, Croydon, Sutton, Southwark and Lambeth.

- When asked about the process during Pre-Sentence Reports - these services reported that in most cases they had difficulties in sharing the views of the survivor in the case, either because they were not given enough time to contact survivors, or were not aware of the survivors in cases being sentenced. This demonstrates the challenges when services are attempting to contact survivors for whom they have not previously been in touch with during the short five-day adjournment period.
- Two of the services in the South London court area said they had not been contacted by Probation report writers at all during the pilot period of August and September. It is unclear if this was because there were not cases in which the AAMR was being considered or if this was an omission in the information gathering process by the PSR writer.
- One service reported limitations in being able to share information with the report writers. Firstly, the report writers did always have survivors' names, meaning information could not be retrieved, and secondly, where the survivors were known, contact was made on the morning that a case was going to court, which didn't leave enough time for the IDVA to speak to the survivor or provide their views within the five-day adjournment period.
- Another service reported that the survivor's views had not been sought in either of the cases where the AAMR was applied for which is not unusual in general but had been agreed as by all as part of the piloting. In one of these cases, the defendant had a new partner, who would also be affected by the sentence, but who was not consulted. In a third case, the survivor was not previously known to the service, and they were not able to contact the survivor following the sentence. There were other cases where the AAMR was not imposed, when they had been contacted for the survivor's views.
- All services felt that it would be important to strengthen their links with the Probation service and were willing to engage with efforts to progress multi-agency working.

#### *Training needs*

- One service continued to have reservations about the AAMR sanction and highlighted the need for training of all partners if this was introduced in other areas. This training would include the learning from this study, the basic aspects of the AAMR sanction requirements, the risks highlighted and what to do to ensure robust multiagency working.
- One of the services stated that they would need to have a greater understanding of enforcement and the consequences of breaching the AAMR, so they could disseminate this information to the survivors.

## Probation services: PSR writers

### *Logistical considerations in addition to those highlighted above:*

- In one court, it was reported that their bench is often against the use of the AAMR (for general use), and is easily argued down by the defence when they have recommended the use of the AAMR.
- Although it did not arise in the pilot period, PSR writers envisioned a situation in which an AAMR is being considered where the survivor is from a different area to the PSR authors 'usual' survivor support services and therefore contact those services quickly could present a challenge. In or out of London, there may be services which would not understand the AAMR, its use and implications and would find it challenging to feedback to the PSR writer as quickly as is required in the five-day adjournment period.

### *Use of the AAMR*

- All interviewed felt that the adjournment for a well-informed PSR is essential for DA cases as opposed to other cases as the context of the complex relationship considerations are important to consider when thinking about imposing an AAMR sanction. Probation must have time to develop a sound professional judgement on these cases.
- All agreed that much of the information about whole of the domestic abuse context is unknown to them and that they cannot be confident that they fully understand the level or risk or seriousness of the situation. They acknowledged that, in domestic abuse cases, they must be very aware of the amount of information and risk that is unknown to them and other services. They should always assume that they may not know how serious the risk is to the survivor.
- All agreed that there is an imbalance of power in domestic abuse, and if this sanction appears to give power to the survivor ("I have this tag because the court believed you") then there could be direct repercussions for the survivor and further abuse.
- All agreed that there is often a huge difference between how the offender will describe the relationship and how the survivors would describe it. While they do not often get the advantage of hearing the survivor's views, they can think of cases over the years where they know the offender is overly optimistic or minimises the domestic abuse and the survivor has a very different view.
- It was also acknowledged that in interview offenders minimise their use of alcohol, but then when they understand the possibility of the AAMR, they will admit or change their admissions about alcohol use to officers.
- Probation Officers felt that consideration for the suitability of the AAMR should only come after consideration for BBR first. If suitable for BBR, then the AAMR should be considered in that context.
- There was a clear feeling from most individual officers that if the couple were living together then the AAMR would not be suitable.

- Probation officers felt that the use of the AAMR may be considered more punitive than a sanction such as unpaid work. They pointed out that unpaid work (the most common alternative) could be done and over within 1 – 6 days (for example) and the AAMR is an ongoing restriction. They felt that the offender may take this out on the survivor and that could pose more risk.
- Probation also felt that it must feel confident that about mental health issues related to the offender to be able to comply with the AAMR sanction.
- Probation felt it must feel confident that the offender had the capacity to fully understand the AAMR and why it was imposed.
- Probation PSR writers in south London currently have “no way to contact the survivor.” They do not regularly link with IDVA services and are not fully aware of how they work, who provides this service and the scope of what the IDVA would or could do. They do not often see or benefit from the Victim Impact Statement to help inform them of the view of the survivor/survivor.
- Probation PSR writers often interview the offender on the day of conviction while they are still in the building. This allows for an opportunity to meet face to face. PSR writers then gather further information.
- Probation PSR writers do not often hear from their internal MARAC representatives from Probation and expressed concern about the reliability of recording in relation to this. It would be useful for PSR team to have regular updates on their Probation MARAC representation for each borough and the MARAC coordinator in each borough. This likely exists but did not appear to be disseminated to court based teams.
- There is a general understanding that they will use their professional judgement, but would like access to ongoing case studies if the use of the AAMR with DA offenders continues as there is an acknowledgement that there would be much to learn from discussion about individual cases and outcomes.

#### Probation Responsible Officer:

- There is some delay in the responsible officer being assigned which means that there is often a gap from the time the AAMR tag is put on, to the time there is an assigned Offender Manager. This limits the ability for the IDVA to make contact to express concern whether the tag has increased the risk to the survivor/survivor in the critical first week of the tag being put on the offender.
- The responsible officer only knows of a breach during working hours and there is currently no protocol for offering support and advice to the survivor/survivor if there is a breach. It is unclear how an IDVA would know of a breach in adequate time.

#### Other stakeholders

- The DV lead from one local authority felt that the AAMR could be very useful. Although alcohol is not a cause of domestic abuse, it can increase the severity and frequency of physical abuse. Addressing alcohol misuse can therefore be both punitive and constructive.

- For the AAMR to be successful, they felt that there must be a wrap-around service for both survivors and perpetrators. Perpetrator programmes could include support for non-dependent alcohol misuse, acting as an early intervention tool.

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*Lesson learned from AAMR piloting: Even when close multiagency links are in place, the IDVA service often struggles to contact the survivor in time to adequately explain the possible AAMR sanction and to update the PSR writer on her input. Often this contact is made late in the five-day adjournment.*

*Wider systemic lesson learned: Further work is required to embed coherent links with the ISS service offered to the survivor via BBR.*

*Lesson learned from AAMR piloting: Probation would require ongoing support and training for the safe use of the AAMR sanction with domestic abuse offenders.*

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## Section 5. Feasibility analysis

### 5.1 Impact on survivors of domestic abuse and equality impact

As there were so few AAMR sanctions imposed and some where the survivor was not in regular contact with the IDVA service, it is difficult to fully understand the impact of the AAMR sanction on the survivor of abuse. IDVA services and other criminal justice partners are not aware of any negative consequences of the AAMR sanction when they were imposed in four circumstances. There was neither negative or positive feedback provided by these survivors and only once case (case study 8) where the survivor overtly supported the notion of a AAMR sanction. In four cases, the AAMR sanction was completed successfully by the offender (i.e. no tags were removed or breaches were recorded).

There is strong feeling among a wide range of front line practitioners which is outlined in the above feedback section that the parameters of the pilot (which require adjournment for a PSR supported by a full range of information about the context of the relationship and the coupling with a sentence which addresses domestic abuse) are fit for purpose if there is continued use of the AAMR sanction. However, it is clear that restriction of the five-day adjournment presents challenges to make contact with the survivor in the time required. The need to adjourn for the PSR is in direct challenge with the targets for one the day PSR reporting. To make this requirement more robust, domestic abuse reports should be excluded from these targets.

Some would further state that an exclusion of couple living together be added as this was the universal feedback from all frontline professionals involved with the pilots. The fact that some offenders were assessed by Probation as not appropriate for the AAMR sanction was perceived to be a positive impact of Probation being able to make a professional judgement as part of the criminal justice process.

The pilot was able to test out how easily it would be to communicate with survivor about the AAMR sanction. Ideally, this required the IDVA service to be alerted that the case was coming up for sentencing so that they could discuss the possibility of the AAMR as part of the possible sentence. This would allow for time for the IDVA to contact the survivor and for feedback to be given to probation as soon as possible. This was aided by the development of a leaflet for survivors (see appendix 5). The pre-sentence work would have only been done in the Hammersmith and Westminster Magistrates Courts where there is a SDVC Coordinator who was able to see the court listing prior to court date and to proactively contact the IDVA service. This was not possible in the Camberwell and Croydon Magistrates courts where the first alert to the IDVA service would have been in the five-day adjournment period. For the IDVA service in Hammersmith and Westminster, this meant that they could be involved in identifying the potential for the AAMR sentence and which meant that they were able to communicate this sanction to a larger number of survivors than the four cases where the AAMR was imposed. The survivor will rightly have many questions and clarification would be needed. In addition, if this is their first experience of the criminal justice system, this can add to further confusion as to what may or may not happen during this stressful period. If a survivor's first language is not English, this will add greater concern as to how to fully address the survivor's need to be able to understand this sanction.

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*Wider systemic lesson learned: MOPAC should consider excluding domestic abuse cases from targets related to on the day PSR assessments and consider allowing for a longer adjournment than five days to allow for contact with the survivor to be made for cases where a AAMR sanction may be imposed.*

*Lesson learned in AAMR piloting: Considering the strength of this view in the stakeholder feedback, MOPAC should consider that the AAMR not be imposed when the couple is still living together.*

*Lesson learned in AAMR piloting: For a wider rollout, domestic abuse support services should be supported and trained to ensure that communication about the use of the AAMR and the support required through the period of the AAMR sanction is fully addressed in terms of commissioning and training*

*Wider systemic lesson learned: The ISS as defined in this study requires development as a distinct activity which requires a service level agreement between the domestic abuse support services and Probation to facilitate information sharing and case management.*

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## 5.2 Financial Analysis of the use of the AAMR with domestic abuse related offenses

Four AAMR sanctions have been imposed throughout 9 months of piloting in Hammersmith, Westminster, Croydon and Camberwell Magistrates Courts. Most exclusions stem from the fact that alcohol is not a factor in the offence (roughly 2/3 of all cases stemming from the Hammersmith and Westminster pilot results), the exclusions within the remaining 1/3 rest

primarily in the fact that the offender was alcohol dependent or when Probation has assessed the offender, they were not deemed suitable.

Since Probation lacks consistent information to aid them in their PSR assessments, there may be some occasions in which the AAMR may have been suitable but the PSR author did not feel they had enough information to make this judgement. Again, this may be a relatively small number of cases based on the piloting results. However, these systemic problems which have arisen in this feasibility study point to pressing considerations for MOPAC pan-London.

MOPAC is conducting a wider analysis of the use of the AAMR and benefits of compliance on re-offending rates. STADV, as a partner in this feasibility study participated in an interview in which this more detailed analysis was being done. However, for the use of the AAMR in relation to domestic abuse related offenses, there are two ways to look at the financial implications of this feasibility study. One would be that the cost implications to rollout this sanction across London for DA offenders would simply outweigh the potential benefit to the few offenders upon which the AAMR is likely to be imposed. At a minimum, this would be:

1. Maintain the required parameters as set out in the pilot.
2. Train and brief IDVA services in all London boroughs which may require addressing the inconsistencies and in some case, underdeveloped links to court related work and referrals.
3. Address the fact that Probation in magistrates' courts do not have access to consistent information and working links to IDVA services, up to date MARAC information and in some cases, the full information expected through the Business Information Unit (BIU).
4. Address the system challenge with CRC which prevents an IDVA and/or survivor's ability to contact the offender manager immediately from the time the AAMR tag is put on the offender (currently there is a gap of approximately one week until there is an offender manager assigned).
5. Investment in some quality assurance or dip sampling to ensure that criminal justice partners are not deviating from the required parameters. There is evidence in this pilot and in the case studies that this may happen and the risks associated with this would be such that ongoing monitoring and quality assurance by MOPAC would be critical.
6. Development of information for survivors if their first language is not English.
7. Investigate outcomes and potentially improve access to BBR and/or CRC services which address domestic abuse.

Another way to look at the cost benefit analysis would be to properly address the dissimilarities of practice in London which impact on the survivor of abuse, the efficiency of the criminal justice partners and the ability to safely introduce sanctions such as the AAMR. This study has demonstrated the need for a more consistent approach and that the best practical and operational work is found in the SDVC related efforts.

MOPAC has supported the efforts in Hammersmith of the IMPACT project which is a multi-agency initiative led by the London Borough of Hammersmith and Fulham which allocates additional resource and coordination from the Police response through the court process for

domestic abuse cases. This is greatly aided by the fact that there has been a specialist domestic abuse court in Hammersmith for 15 years and there are established operational working groups in relation to these efforts. There is a similar process in Westminster CSU and Magistrates Court. Appendix 6 outlines extracts from this report which highlight the established good practice supported by MOPAC that should be considered on a pan London basis.

## 6. Conclusion of this study and recommended next steps

As MOPAC considers next steps in terms of the leadership and actions required for further use of the AAMR, Partners feel confident that the following lessons to be learned will be addressed. There are wider system lessons and also lesson learned in the planning of the AAMR pilot which would be considered as much as possible within MOPAC's role. These lessons point for an overarching approach in four main areas:

**Area one:** The need to address the difference in consistent criminal justice practice and multi-agency working with prevents the safe implementation of the AAMR and other practice which promotes the safety of the survivor of domestic abuse. The SDVC approach and its core practices promote better criminal justice working and would address many of the following lessons to be learned. Regardless of the decision related to further use of the AAMR with domestic abuse offenders, these inconsistencies throughout London should be addressed.

**Area two:** The use of the AAMR with domestic abuse offenders may not be prudent given the work required to implement the sanction safely as compared to the low use of the AAMR sanction during the pilot. However, if the AAMR is used for domestic abuse related offenses, it must be managed in a similar way as in the pilot areas which will require ongoing training, management and quality assurance. It is clear from the lessons to be learned that the safe use of the AAMR will not be implemented by guidance alone. Mistakes will be made and will be more frequent unless Area one is fully addressed and unless there is a level of management and responsibility at MOPAC.

**Area three:** Decisions should be made which define expectations for the use of the AAMR more precisely. Learning from this study indicates that more time for adjournments for the PSR should be allowed for contact to be made with survivors. An exclusion of the use of the AAMR if couples reside together should be made.

**Area four:** Underdeveloped services for both offenders and support for survivors should be addressed to ensure the foundation is solid for the development for the use of the AAMR. Many of the lessons to be learned below touch upon the need to understand and feel more confident in the options offered to offenders to help address their domestic abuse offending behaviour and to link more closely with the independent support offered to survivors from the point at which the AAMR may be considered through to end of the sanction.

## Summary: Lessons learned in AAMR Planning:

- There is a need to stipulate that domestic abuse perpetrators should always first be assessed for BBR or 1-2-1 work, and that where appropriate AAMR can be combined with these requirements.
- The waiting time for BBR varies but often the AAMR sanction will have finished by the time BBR has started. Therefore, the ability for the ISS service associated with BBR to take on support of the survivor at the start of the AAMR sanction is not practiced at this time. The provision of support from the ISS service (provided as part of the BBR) should be clarified with CRC so that it can be offered as early as possible after sentencing of a combined AAMR/ BBR.
- Further information on the use and outcomes of BBR programme and possible variation of use by court areas requires further analysis. The options for one to one work with probation to address domestic abuse must be made clearer to criminal justice partners as to what this work entails and its outcomes.
- London lacks consistent practice in operational working groups specifically addressing the criminal justice response which include the range of statutory and non-statutory partners which allow for coordinated and managed practice which ensure the safety of the survivor is kept central to the court process.
- The suitability for the AAMR is linked to the ability to address the domestic abuse offending behaviour via BBR or one to one work. Each case should be considered on its own merits and a high degree of importance rests in the Probation pre-sentence assessment.
- Partners agreed not to exclude cases before Probation could gather information and make a sound judgement.
- Specific measures had to be put in place via IDVA services to ensure that swift and safe information to and from the survivor were assured for the pilot. This would have to be addressed for wider use of the AAMR and developmental links between IDVA services and early contact with the Domestic Abuse Safely Advisors (for BBR) would require development.
- If there is not safe or practical way to ensure swift and safe communication with the survivor then the AAMR disposal would not be a viable option.

## Summary: Lessons learned from the AAMR pilot:

- Often the input of the IDVA service and therefore the survivor of abuse is not considered for the PSR even when this is part of the agreed protocol.
- The ability for the IDVA service to achieve contact and to develop a trusted relationship is not always achievable in the short period of time in which the PSR assessment takes place (5 days).
- The PSR does not always contain the detail of the judgement and decision making as to why the AAMR was not recommended so it is not always clear if it was considered fully or not.
- Judgements of individual Probation officers differ in terms of the suitability of the AAMR. There are cases when the Probation Officer at court's opinion differs from the PSR author.
- There are examples of when the bench did not concur with the PSR recommendation. The AAMR is used infrequently even when the SDVC Coordinator has highlighted the cases that have met the threshold criteria for further assessment by the PSR author.

- MOPAC would have to resolve the issues related to communication of breaches of the AAMR sanction to the survivor as well as effective and quick communication with the offender manager.
- London consists of specialist support services offered in a variety of settings (statutory and voluntary sector teams) with different commissioning expectations. While in principle the support offered is similar, the ability for services within each borough to adapt quickly to the safe use of the AAMR presents challenges.
- Probation PSR writers unanimously agreed on the need to understand the context of domestic abuse in considering the use of the AAMR but there were barriers to obtaining accurate information in time for sentencing, even with an adjournment of five days.
- Probation PSR writers do not have consistent information regarding input from survivors and MARAC to aid them in their judgements for reports.
- There appears to be a common misconception in Probation that the AAMR is like a curfew. While the offender should be in range of the basic unit daily, there are ways of addressing this requirement which is less like a curfew.
- Even when close multiagency links are in place, the IDVA service often struggles to contact the survivor in time to adequately explain the possible AAMR sanction and to update the PSR writer on her input. Often this contact is made late in the five-day adjournment.
- Probation would require ongoing support and training for the safe use of the AAMR sanction with domestic abuse offenders.
- Considering the strength of this view in the stakeholder feedback, MOPAC should consider that the AAMR not be imposed when the couple is still living together.
- For a wider rollout, domestic abuse support services should be supported and trained to ensure that communication about the use of the AAMR and the support required through the period of the AAMR sanction is fully addressed in terms of commissioning and training.

### Summary: Wider systemic lesson learned:

- There is not consistent communication channels between Probation (PSR writers) and also offender managers and specialist services for domestic abuse.
- Further work is required to embed coherent links with the ISS service offered to the survivor via BBR.
- MOPAC should consider excluding domestic abuse cases from targets related to on the day PSR assessments and consider allowing for a longer adjournment than five days to allow for contact with the survivor to be made for cases where a AAMR sanction may be imposed.
- The ISS as defined in this study requires development as a distinct activity which requires a service level agreement between the domestic abuse support services and Probation to facilitate information sharing and case management.
- There are examples of when the bench did not concur with the PSR recommendation which has affected the use of the AAMR but also is a wider concern for DVA related cases and sentencing.
- Probation PSR writers unanimously agreed on the need to understand the context of domestic abuse in considering the use of the AAMR but there were barriers to obtaining accurate information in time for sentencing, even with an adjournment of five days. This relates to all domestic abuse cases and not only those where the AAMR is being considered.
- Probation PSR writers do not have consistent information regarding input from survivors and MARAC to aid them in their judgements for reports.

## Appreciation

Partners would like to thank all services in both the Tri borough and South London Court areas for their commitment to this Feasibility Study which has required collective learning and some aspects of professional discomfort in piloting new ways of working. Partners would also like to thank MOPAC for its interest in undertaking this study and in demonstrating the necessity in understanding the dynamics of domestic abuse which require this level of risk analysis before further rollout in the use of the AAMR. MOPAC officers have been supportive and open with information throughout and have demonstrated a willingness to address some of the challenges outlined in this report.

## Appendix 1: Description of Feasibly Study partners

### AVA

AVA is an expert in the sector of domestic and sexual violence with particular reference to children and young people and women facing multiple disadvantages. AVA's Stella Project has pioneered work around multiple disadvantaged individuals, working to address the overlapping issues of gender based violence and abuse, drug and alcohol abuse and mental health since 2003. AVA has extensive experience delivering training, providing consultancy and participating in national and local policy processes in the field of violence against women and girls (VAWG).

As part of the second-tier strand of the London VAWG Consortium, funded by London Councils, we have a specific role to support capacity building through training, one to one organisational support, and producing good practice briefings. AVA is currently a partner in two Department for Communities and Local Government (DCLG) funded projects aimed at improving local authority responses to survivors of domestic violence. AVA publications include *Complicated Matters: A Toolkit Addressing Domestic and Sexual Violence, Substance Use and Mental Ill Health*.

### RESPECT

Respect formed in 2000 out of the National Practitioner Network. Respect brings together a wealth of knowledge and development in engaging with perpetrators of domestic abuse, and is a membership organisation which also supports and contributes to developments and research to drive forward good practice alongside developing and maintaining the national quality standard for DVPP's. Recent relevant research, 'Perpetration of Intimate Partner Violence by Males in Substance Use Treatment: A Cross Cultural Learning Alliance' (ES/K002589/1), resulted in the national tool and capability framework, *A Framework for working safely and effectively with men who perpetrate intimate partner violence in substance use treatment settings*, which is now widely adopted within the substance misuse sector.

### STADV

STADV was formed by a range of statutory and third sector leaders in 1998. Our ambition is to eradicate domestic abuse by transforming the way organisations and individuals think about, prevent and respond to it. STADV provides an effective Coordinated Community Response (CCR) between statutory and third sector agencies to ensure responses to domestic abuse are effective and that survivors do not fall through gaps in the system.

To achieve this ambition, STADV focuses on five interlocking objectives:

1. Reduce the harm done by DVA and safeguard the health and well-being of survivors and children;
2. Raise awareness about the impact and cost of DVA;
3. Challenge the inequalities that condone, excuse and perpetuate DVA;
4. Inspire and support changes in practice that deliver improved safety outcomes;
5. Hold offenders to account for their actions.

Locally, Standing Together:

- Promotes prevention and early intervention work around children and young people.
- Coordinates five MARACs – the only organisation in the country to do so.
- Leads on the coordination of two successful Specialist Domestic Violence Courts.
- Improves housing responses through partnership with housing associations and local authority providers.
- Coordinates innovative health projects supporting professionals to deliver best practice responses.
- Develops and delivers exceptional multi-agency and bespoke in-house training programmes.
- Coordinates four operational groups within the local violence against women and girls (VAWG) partnership: Children and Health; Housing; Specialist Services; Risk and Review.
- Nationally, we audit partnerships and model, share and support good practice, including:
  - National accreditation standards for housing providers through the Domestic Abuse Housing Alliance.
  - A national Domestic Violence Coordinators Network with events and training.
  - Support, advice and consultancy to partnerships across the country utilising STADV's 'In Search of Excellence' framework.
  - Expertise in domestic homicide reviews (DHRs) with STADV having chaired over 50 nationally.
  - Consultation with survivors to ensure their voices inform the process of change.

## Standing Together as a leader in the development of SDVC s

In 2002 the ST partnership launched the Specialist Domestic Violence Court at West London Magistrates' Court. This was the first SDVC in London, the second in the country and the first nationally to hear trials. Since 2002, we have been successfully coordinating the SDVC in WLMC (now called Hammersmith Magistrates Court) and have developed and coordinated the dedicated court in Westminster. We employ two experienced SDVC coordinators who are active in the courts each week and have seen through the implementation and maintenance of these courts from their earliest existence.

The National SDVC Task Force, of which Standing Together was a member, drew up a Resource Manual in 2006 which sets out the core components of a coordinated response which they asserted were pre-requisites to setting up a successful SDVC. In 2007, we published the first SDVC Toolkit (since updated), where we have distilled what we believe are the essential elements for success in a Specialist Domestic Violence Court, and backed them up with many practical resources (see appendix 1). Our goal in setting out these essential elements was to enable the different agencies within the Criminal Justice System to keep as their overarching aim the safety of survivors of domestic violence and the holding of their abusers to account.

## STADV's current coordination of the SDVC and Dedicated Court

At the time of this study, STADV co-ordinated a specialist session for domestic violence hearings every Thursday at **Hammersmith Magistrates Court** (average 11 to 15 cases heard per Thursday). Due to closure of the court, this work has now been moved to Westminster court where STADV tracks information from trials happening in other Courtrooms on other days of

the week (average 4 Trials per week). This Court serves LBHF and RBKC. Partner agencies on the SDVC Management Group include: Witness Service and ADVANCE IDVA service alongside the Magistrates, Court staff, Police; Crown Prosecution Service, Probation Services, the Witness Care Unit and the Youth Offending Service.

STADV co-ordinates a dedicated session for domestic violence hearings and trials at **Westminster Magistrates Court** (average 8 cases heard every Wednesday) and tracks information from trials heard in other Courtrooms (average 5 trials per week) plus case management hearings and adjournments for bail applications. This Partnership involves 10 agencies on a Domestic Violence Court Management Group.

The coordinators attend court every week to observe proceedings and assist to ensure that information is provided to the Court to ensure that safe decisions can be made. They provide a vital support to the CPS by providing information gathered from previous hearings. The role of the Coordinator is to maintain records of information from the various agencies to track cases accurately and ensure that gaps in information are filled.

The Coordinator delivers a weekly observation report on each case heard in Court to each practitioner present in Court and their managers- within 48 hours of the hearing. They note whether the agreed safety and best practice indicators have been met. These reports identify problems, successes and trends for the Court Management Group.

Immediately following the SDVC day, the Coordinator gives specific case information quickly to Survivor Support, Witness Care Units; Community Safety Unit Police Officers, IDVA's e.g. re restraining orders and bail conditions which are essential to the safety of survivors [the survivor is not in Court for Hearings]. This ensures timely communication at a point where this is often lost.

Our Coordinators also conduct Annual Reviews of the Domestic Violence Courts, with full data reports, for all 13 partner agencies and they also regularly consult survivors/witnesses.

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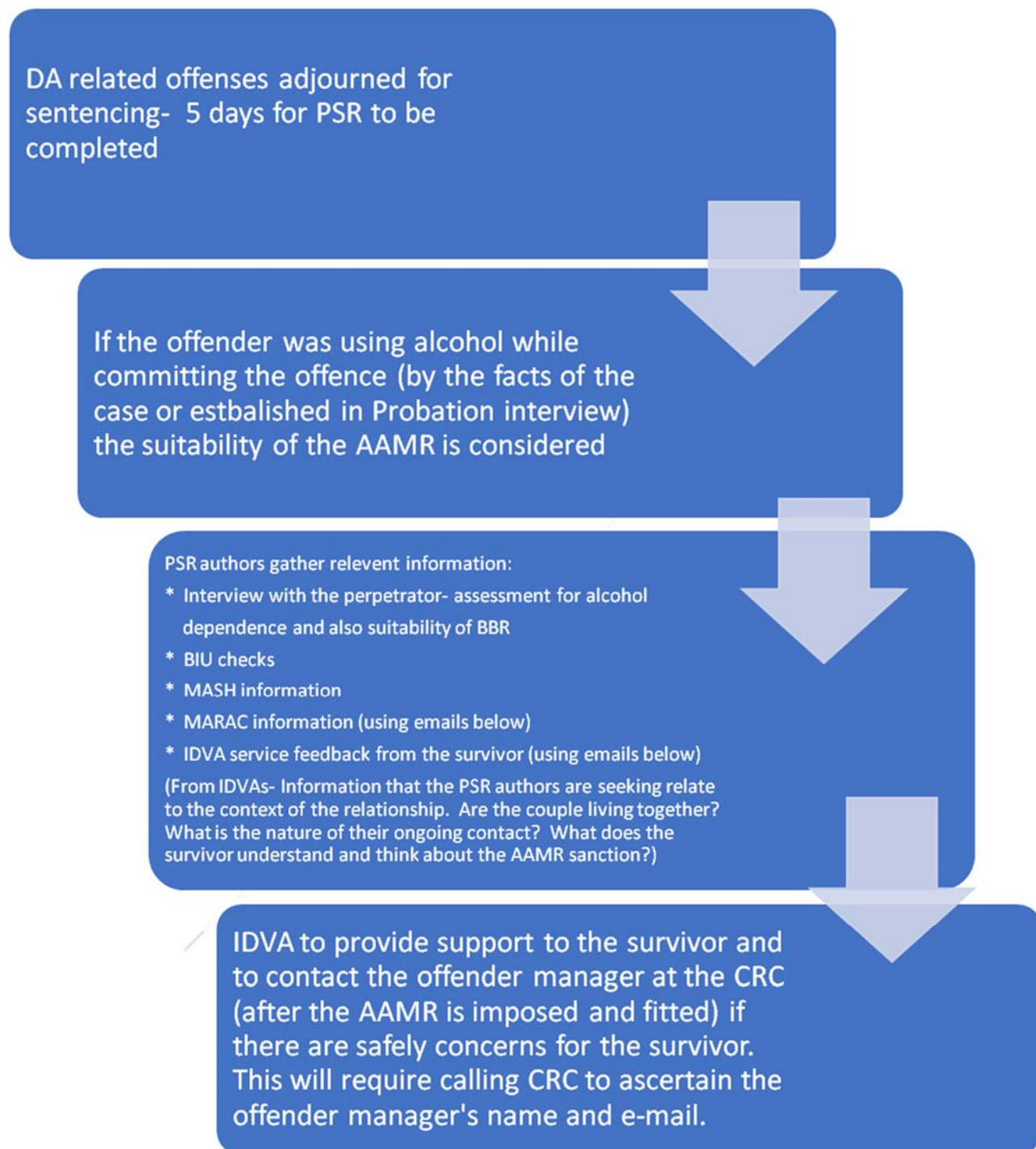
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Appendix 3: Process for gathering relevant information for the PSR and to link the survivor/witness to the appropriate IDVA service



## Appendix 4: List of contacts for the piloting in Camberwell and Croydon Magistrates court as part of the AAMR Feasibility Study

### Probation point of contact

Alice Glaister	Croydon Combined Courts Team 0208 681 5039 (CC) 0208 688 0739 (MC) 07850 282 650 (nb kept on silent so text is best)	<a href="mailto:Alice.glaister@probation.gsi.gov.uk">Alice.glaister@probation.gsi.gov.uk</a>
Prue Johnson	15 D'Eynsford Road, London SE5 7UP Switchboard 0207 703 0822 National Probation Service - London ILCC 21 Harper Road, London SE1 6AW 07525988636	<a href="mailto:Prue.johnson@probation.gsi.gov.uk">Prue.johnson@probation.gsi.gov.uk</a>

### STADV Details

Nicole Jacobs	If you need to reach STADV when I am out of the office, please call 02087485717 and ask to speak to one of the court coordinators and/or Eliza Cardale  <a href="mailto:e.cardale@standingtogether.org.uk">e.cardale@standingtogether.org.uk</a>	<a href="mailto:Nicole.jacobs@standingtogether.cjsm.net">Nicole.jacobs@standingtogether.cjsm.net</a>
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### Specialist Services for DA– IDVA services

Croydon	Becky Hodgman Domestic Abuse & Sexual Violence Coordinator  Working days are Monday - Thursday  People Department Early Intervention Support Service 4 <sup>th</sup> floor, Zone C	This service only uses Egress so their only email is a Croydon generic email. It would be better to call Becky Hogman directly.  020 8726 6000 Direct Line extension 52547  Or you can email her to contact you via Egress on: <a href="mailto:Rebecca.Hodgman@croydon.gov.uk">Rebecca.Hodgman@croydon.gov.uk</a>
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	<p>Bernard Weatherill House 8 Mint Walk, Croydon CR0 1EA</p> <p>020 8726 6000 Direct Line extension 52547</p>	
	<p>MARAC coordinator Croydon</p>	<p>marac@croydon.gov.uk</p>
Sutton	<p>Sharon Tucker Survivor Support located in Safer and Stronger Communities Environment, Housing and Regeneration</p> <p>Sutton Police Station, 6 Carshalton Road, Sutton, SM1 4RF</p> <p>020 8649 0480</p>	<p>sharon.tucker@survivorsupport.cjsm.net claire.kennedy@survivorsupport.cjsm.net</p>
	<p>MARAC coordinator Sutton</p>	<p>sutton.marac@sutton.gov.uk.cjsm.net</p>
Southwark	<p>Amy Glover Service Manager Solace Advocacy &amp; Support Service (SASS) Southwark</p> <p>Solace Women's Aid Unit 5/7 Blenheim Court 62 Brewery Road London N7 9NY</p> <p>020 7593 1291</p> <p>07903 950 787</p>	<p>sass.southwark@solacewomensaid.org.cjsm.net</p> <p>Note that in Southwark, it is possible that survivors are referred to one of three places:</p> <ol style="list-style-type: none"> <li>1. SASS (majority)</li> <li>2. Survivor Support</li> </ol> <p>Survivor Support can be reached by calling Jessica Ralph, Senor IDVA 07471030151</p>

	MARAC coordinator Southwark	marac@southwark.gov.uk
Lambeth	<p>Isabella Rossi Gaia Centre run by Refuge The Gaia Centre Service Manager, Lambeth Refuge</p> <p>0207 733 8724</p> <p>07879 555 359</p>	<p><a href="mailto:Isabella_Rossi@refuge.org.uk">Isabella_Rossi@refuge.org.uk</a></p> <p>Until August 9<sup>th</sup>- <a href="mailto:Sharon_Erdman@refuge.org.uk">Sharon_Erdman@refuge.org.uk</a></p> <p>Note that in Lambeth, it is possible that survivors are referred to one of three places:</p> <ol style="list-style-type: none"> <li>1. Gaia (majority)</li> <li>2. Beth Centre if in touch with CJS before. Women in Prison</li> <li>3. Survivor Support</li> </ol> <p>Survivor Support can be reached by calling Jessica Ralph, Senior IDVA 07471030151</p> <p>The MARAC Coordinator, Ellie, will also be happy to try to put you in touch with the right service if the survivor has ever been referred to MARAC.</p>
	<p>MARAC coordinator Lambeth</p> <p>Ella Pollock Violence Against Women and Girls Officer Neighbourhoods and Growth London Borough of Lambeth</p> <p>020 7926 1674</p> <p>07904 335 923</p>	<p><a href="mailto:gcsx-lambethmarac@lambeth.gcsx.gov.uk">gcsx-lambethmarac@lambeth.gcsx.gov.uk</a></p> <p><u>Lambeth MARAC Probation related information:</u></p> <p>Strategic Leads:</p> <p>CRC - Melodie Ann Dalrymple Email/Secure email: <a href="mailto:Melodie-Ann.Dalrymple@london.probation.gsi.gov.uk">Melodie-Ann.Dalrymple@london.probation.gsi.gov.uk</a> T: 020 7326 7700 M: 07464 647836</p> <p>NPS - Stephen Rouse, Senior Probation Officer, National Probation Service Lambeth &amp; Wandsworth Cluster Email/Secure email: <a href="mailto:Stephen.Rouse@probation.gsi.gov.uk">Stephen.Rouse@probation.gsi.gov.uk</a> Tel: 020 7326 7700 (switchboard) Direct dial: 020 7326 7732 Mobile: 07803 008 907</p> <p>Operational Leads:</p>

		<p>CRC (on rotation) Emily Ralston, Probation Officer Secure email: <a href="mailto:Emily.Ralston@londoncrc.org.uk">Emily.Ralston@londoncrc.org.uk</a> T: 0207 326 7700 M: 07464 648 060</p> <p>Hannah Woodward, Probation Officer Email: <a href="mailto:Hannah.Woodward@londoncrc.org.uk">Hannah.Woodward@londoncrc.org.uk</a> T: 02073267799 M: 07464648780</p> <p>NPS Sonia Brown, Probation Officer, Lambeth NPS2 Team 2 Tel: 020 7326 7700 (switchboard) Tel: 020 7326 7713 (direct-line) Email/Secure email: <a href="mailto:Sonia.Brown@probation.gsi.gov.uk">Sonia.Brown@probation.gsi.gov.uk</a></p>
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## Appendix 5: Materials developed during the feasibility study by partners



Briefing A5 16pp  
v4.pdf



Criteria poster  
v3.pdf



Flowchart v4.pdf



Summary briefing  
A5 6pp v4.pdf



Victim leaflet DL  
v5.pdf

## Appendix 6: Extracts from the Evaluation report of IMPACT in the London Borough of Hammersmith and Fulham

The following are extracts and data from the IMPACT project in LBHF which serve to highlight the established good practice supported by MOPAC which should be considered on a pan London basis to address the inconsistent practice found in this Study.

*"I have never worked on a CSU as efficient and effective as the one currently in place at H&F. The way all partner agencies work together to protect vulnerable people and reduce risk shows how much of a grip and understanding we have of this business area. ... The quality of the file build for defendants' first appearances at court is far superior to surrounding boroughs. This is due to the knowledge, experience and professionalism of services within H&F."* (CSU Detective Inspector involved in the multiagency work around the CJS in LBHF)

IMPACT results in LBHF: Safety issues at court which will lead to the survivor of abuse feeling supported at trial.

- H&F cases were more likely to contain details of special measures required (63% compared with 37% in a comparison court area in London)
- In H&F cases, restraining orders were more likely to be addressed on file (71% compared with 58% in a comparison court area in London).
- A separate comparison (to an area outside of the tri-borough) found that twice the number of cases in H&F, compared with a comparable borough, had restraining orders imposed after the case was completed in Court.
- H&F also had nearly twice as many early guilty pleas as the comparable court area.
- H&F conducted a review of breaches of bail coming to Court which led to training being devised and delivered to MPS Officers. This improved the cases being dealt with by the Court from 100% failure to 100% success. This failure was only detected due to the multiagency work and tracking of cases in LBHF.

Benefits to IDVA integration into multi-agency work in criminal justice settings.

- Co-location of an IDVA in the CSU to work alongside the SDVC Coordinator and DA case tracker and the multiagency structures which bring criminal justice partners together resulted in an increase in referrals of over 125% from year one to year two.
- Of those referrals, the IDVA was able to contact, 92% engaged with the service. 90% felt supported through the court process; 87% felt safer and 88% at reduced risk of harm.

Areas where there is managed coordination of criminal justice partners such as SDVCs and in LBHF and Westminster where this coordination extends to coordination from the Police response onwards, there are marked results.

- There is a consistently higher conviction rate in H&F (77.6% April-August 2016) compared with the national figure (69.9%), MPS (66.4%), and west London boroughs (range from 60.7% to 71%).
- A reduction in the proportion of unsuccessful court cases in which the primary reason was 'victim and witness evidential issues' from 64.7% (2013/14) to 54.2% (2015/16).
- An increase in the proportion of arrests leading to charges being made from 28.4% (2014/15 quarter one) to 43.7% (2016/17 Q1).
- An increase in convictions through cases which do not require evidence directly from the survivor of abuse: there was 1 conviction from January 2014 to September 2015; there have been 16 from October 2015 to March 2016.

Examples of tangible support to improve practice which does not happen unless there is a managed coordination of the criminal justice partners:

- MPS Officers receive one-to-one training and ongoing coaching and support from experts in domestic abuse which has been essential considering the average turnover of 3.6 CSU Officers per month/100% turnover in the course of a year in the CSU in LBHF.
- CPS consistently receive comprehensive and high-quality files for Court.
- NPS receive police 5-year domestic abuse histories supporting accurate pre-sentence reports.
- All partners in the SDVC benefit from improved communication and enhanced working by all agencies.
- All agencies benefit from regular reviews of single and multi-agency practice via weekly feedback and observation provided by SDVC Coordinators and the regular court management group meeting which take place quarterly.

#### Police Safeguarding of Victims

Multi-agency work and managed coordination from the CSU onwards ensures that files are built comprehensively and accurately, and (for the specific purposes of victim safety) include: Police recorded domestic abuse history; an MG2 (for special measures); whether a restraining order is to be applied for on conviction/acquittal; the witnesses' and Police Officers' dates to avoid for trial.

These important aspects of the file build will fluctuate over time as there is so much turnover in a typical CSU. These inconsistencies then have a knock-on effect to the decision making and ability of other professionals to progress the case safely and successfully.

For example, a comparison of Hammersmith and Fulham cases with Kensington and Chelsea, which has a separate CSU but is part of the SDVC. The difference between the two, in relation to the MG2 and Restraining Orders, is marked. This improvement in Hammersmith and Fulham is largely due to the effort and investment in managed coordination between agencies and services.

	Cases (charged)	DV History on file	MG2 on file	RO addressed on file
H&F	114	77%	63%	71%
K&C	62	79%	37%	58%

The Case Development Analyst in LBHF has done a further review, comparing case file preparation and outcomes for two months of cases in Hammersmith and Fulham and a comparable borough which demonstrates that the practice varies greatly in London.

	H&F	Comparison borough
Cases (8 / 4 still ongoing)	33	38
Convictions	57.6%	44.7%
Early guilty pleas	51.5%	28.9%
DV history provided	93.9%	76.3%
MG2 for special measures	75.8%	39.5%
Information on restraining order	57.6%	36.8%
Full victim personal statement	12.1%	5.3%
% of finalised cases in which restraining order imposed	24.2%	10.5%

Examples of the shared commitment that could be modelled throughout London:

- IDVA provision with shared location in the CSU which is supported by the problem solving of the wider multi-agency effort
- A part-time Case Development Analyst employed and managed by Standing Together Against Domestic Violence in LBHF who tracks cases so that the CSU can recognise performance issues and improvements in relation to case build and preparation.
- Business support from London Borough of Hammersmith and Fulham/local authority to help with fundraising. Reporting to MOPAC to aid in the organisation of meeting and problem solving.
- A dedicated CPS prosecutor covering the SDVC one day per week (for both Westminster and Hammersmith and Fulham)
- A named CPS Reviewing Prosecutor
- A dedicated National Probation Service Probation Officer in the SDVC
- The two-part time SDVC Coordinators employed by Standing Together Against Domestic Violence and funded by the Tri-borough shared services contract. The workers spend the

remainder of their time co-located in the CSU to ensure continuity between the case preparation and the court processes. They also observe and record what happens in the court and organise regular meetings to address needed improvements to non-adherence to established protocols of good practice.

One of the ways in which the SDVC can demonstrate its effectiveness, which is also a way in which victims can be given confidence in the criminal justice process, is through sentencing. A comparison was undertaken between sentencing taking place in the SDVC, and sentencing taking place outside of the specialist court (this can happen for a number of reasons, most of which are administrative and court based). The outcome of this was to show that the SDVC was significantly more likely to sentence following the preparation by NPS of a pre-sentence report (58.5% of sentences reviewed, compared with 23.5% sentenced outside the SDVC); and significantly less likely to sentence through a fine only (33% of cases were sentenced in this way outside of the SDVC, compared with 8% in the SDVC). Victims tend to view fines as a poor outcome in relation to holding perpetrators to account.

### When interviewed about IMPACT the following criminal justice services identified marked areas of improvement for survivors

#### National Probation Service

The interview feedback from NPS focused on the provision of the minimum five-year domestic violence call out histories from the Police. This supports Probation Officers in accurately assessing offenders and producing pre-sentence reports that are adequate and appropriate given that offenders background. Without this information being provided by CSU Officers, Probation Officers would be reliant on the views of the offender, and any information gained at Court – leading to potentially incorrect sentence recommendations and risk assessments. Additional feedback was that the IMPACT Project had supported closer inter-agency working, and that relationships between professionals were more collaborative. IMPACT enabled the identification of issues such as the need for five-year histories, and provided a means of addressing those issues.

#### Crown Prosecution Service

Prosecutors in court rely on the investigation and file building of CSU Officers. Current internal CPS processes mean that trial cases tend not to be reviewed until shortly before the trial: if information is identified as missing, it can be very difficult to gather it at such a late stage, which is time consuming both for CPS staff and for the CSU Officers involved. This is a flashpoint when cases can often fail.

### Metropolitan Police Service

The way in which the IMPACT Project has enhanced the service provided by CSU Officers is a challenge to the MPS: it raises the question of why all CSU Officers are not trained to deliver comprehensive file builds and safeguarding in domestic abuse cases in the ways that have been shown to be so effective in Hammersmith and Fulham.

### Advance IDVA service

Interviewees from Advance outlined how it had seen a significant increase in referrals to the service since the IMPACT Project started, with the biggest increase coming once the dedicated IDVA was co-located in the Police Station with the CSU. This means that Advance can support many more women that previously may have received no support.

### Hammersmith and Fulham Multi-Agency Risk Assessment Conference (MARAC)

The IMPACT Project Manager has facilitated the MARAC training of CSU Officers, which contributes to an increase in referrals to the MARAC. This is maintained through regular contact between the Project Manager and the MARAC Coordinator, when a new CSU Officer starts or there are any changes. The table below sets out the proportion of Police referrals to the west London MARACs:

Year	Hammersmith & Fulham	Kensington & Chelsea	Westminster
2014-15	14.8% (of 240)	40.5% (of 185)	10.0% (of 269)
2015-16	24.6% (of 310)	30.8% (of 185)	14.4% (of 298)
2016-17 Q1	21.2% (of 73)	18.0% (of 50)	15.7% (of 70)