

# Project Restore – A Summary

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Project Restore is a 'New Zealand made' restorative justice process designed specifically for interventions in sexual violence cases. The programme is unique in New Zealand and one of only four such programmes in the world<sup>1</sup>. Project restore has evolved over the last seven years in response to feedback from stakeholders and research regarding its principles, processes and outcomes to deliver the safest programme for all participants, particularly victim-survivors, which also has the best chance of reducing possible re-offending. The following summary will provide a snapshot of Project Restore discussing its beginning, the model, its foundations, what makes it unique and its outcomes. This summary draws on the research projects and reports written about Project Restore in its proceeding years<sup>2</sup>.

## The beginning

Project Restore was created in response to dissatisfaction by victim-survivors of sexual violence with the traditional response to them and sexual violence as a crime from the formal criminal justice process. Victim-survivors often feel unable to secure a 'sense of justice'<sup>3</sup> from a system that places the offender at the centre and can often cause further harm due to the processes of the court system. Project Restore, an Incorporated Society, was legally launched in 2005. It was inspired by the RESTORE programme in Arizona, United States of America and the research of Dr Shirley Julich in New Zealand.

Project Restore is unique because it has been driven by victim-survivors of sexual violence and it operates in a way that draws on the expertise of both the restorative justice and sexual violence sectors. To date it is New Zealand's only restorative justice provider group that specialises in addressing sexual violence. It draws on the expertise of

- Restorative Justice
- Survivor helping agencies, such as HELP<sup>4</sup>, Rape Prevention Education – Whakatau Mauri<sup>5</sup>, and Tiaki Tinana<sup>6</sup> and
- Offender support agencies, such as the SAFE Network Incorporated<sup>7</sup>, and independent therapists working with sexual offenders.

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<sup>1</sup> Koss, M. P., & Achilles, M. Restorative Justice Responses to Sexual Assault. (2008) cited in Julich, S., Buttle, J. W., Cummins, C., & Freeborn, E. V. *Project Restore: An exploratory study of restorative justice and sexual violence Auckland*: AUT University.2010.

<sup>2</sup> Please see Appendix One for a reference list of these reports.

<sup>3</sup> Julich, S. Breaking the Silence: Restorative justice and child sexual abuse (PHD Thesis). Massey University. 2001

<sup>4</sup> Formerly Auckland Sexual Abuse Help Foundation Charitable Trust.

<sup>5</sup> Formerly known as Rape Crisis Auckland.

<sup>6</sup> A Maori response programme aimed at preventing sexual violence in whanau and Maori communities.

<sup>7</sup> A community based agency that provides therapeutic services to those who sexually offend against children.

## The model

Project Restore uses a modified version of the New Zealand Conferencing model<sup>8</sup> which is expanded to include the following:

- A restorative justice facilitator who has an in-depth understanding of the dynamics of sexual violence
- Two community specialists – a survivor specialist and as an offender specialist with in-depth understanding of restorative justice
- Clinical psychologist - a clinical consultant that has a background and understanding of working with both survivors and offenders who provide professional supervisions, act as team leader, but have no contact with the stakeholders<sup>9</sup>

Once either the victim or offender engage with Project Restore preparation work begins. Some referrals come from the Criminal Court and others are from the community. In some cases the victim-survivor engages but the offender is assessed as not being suitable, or chooses not to participate. In some cases the victim-survivor chooses not to participate in the actual conference and a surrogate is sent in her/his place – these cases are termed community panels. After careful on-going assessment through the case review process and the preparation phase of both the victim-survivor and the offender and support people, Project Restore staff facilitate a restorative conference. During the conference participants agree on conference outcomes. Follow up work is undertaken by the Project Restore team to ensure that these outcomes are achieved.<sup>10</sup> Project Restore asks for feedback from stakeholders on all cases by using evaluation forms. The feedback is regularly reviewed and practices are reflected upon and changes are made as required.

## What makes Project Restore unique?

Project Restore has the Ministry of Justice guidelines (2004) for restorative justice as a foundation and it builds upon these guidelines to ensure the programme fits the needs of sexual violence cases and particularly victim-survivors. Project Restore has recognised that to enhance safety and effectiveness in sexual violence cases the following additional principles are required<sup>11</sup>.

**The process is based on interweaving of the core values of restorative justice – participation, respect, honesty, humility, interconnectedness, accountability,**

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<sup>8</sup> Most New Zealand restorative justice programmes use a conferencing model that is based on the Family Group Conference model developed for use in Youth Justice and Care and Protection proceedings. However these models have not been specifically designed for use in sexual violence cases.

<sup>9</sup> Julich, S., Buttle, J. W., Cummins, C., & Freeborn, E. V. *Project Restore: An exploratory study of restorative justice and sexual violence Auckland*: AUT University. 2010

<sup>10</sup> For a comprehensive review of the Project Restore processes and practices see Julich, S., & Landon, F. *Specialist Servicers for Restorative Justice*. June 2011

<sup>11</sup> Project Restore. *Restorative Justice for Sexual Violence: Principles of good practice*. 2010

## **empowerment, hope – and what is known of the dynamics and impacts of sexual violence.**

Sexual violence is a crime with particular dynamics and impacts that requires a specific intervention to ensure the dynamics of the abuse are not replicated and cause further harm to the victim-survivor. Those dynamics and impacts include<sup>12</sup>,

- Offender grooming distorts the understandings victim-survivor's and their families have of the sexual violence.
- Myths about sexual violence are widespread in our society and impact on how people around the victim-survivor and the offender react when they learn of the abuse.
- Sexual violence is often perpetrated by someone who is known to the victim-survivor. This abuse of power results in a power imbalance between the offender and the victim-survivor.
- For victim-survivors there is always a risk that participating in a process may replicate the dynamics of their experience of sexual violence.
- There are high levels of reoffending by offenders which impact on wider community safety.

In order to address the dynamics and impacts of sexual violence, Project Restore requires that sexual violence specialists support participants throughout the planning, conferencing and outcome phases of the restorative process. There are three different kinds of specialists involved. The victim-survivor specialist is able to

- prepare the victim-survivor, recognising when the process may be causing more trauma and slow processes down
- encourage the victim-survivor into therapeutic counselling to help address the issues that may come forward as a result of the process
- work with the offender to help him or her understand the impact of his or her offending
- assist support people in understanding the dynamics and impacts of sexual violence so that they can provide a truly supportive role.

The offender specialist is critical in the safety of the programme. Sexual violence offenders are well skilled in manipulation and minimising their offending. Therefore the work of the offender specialist focusses on

- assessing the offender as a first step
- recommending the offender undertake a treatment programme if required
- ensuring that the offender is ready to be accountable and take responsibility for the impact of their offending before entering into the conference phase
- following up on the conference agreed outcomes to ensure that the offender completes those tasks set for him or her
- providing an educative role to help participants understand sexual offending.

In addition, the restorative justice facilitator has an in-depth knowledge of sexual violence and in their impartial role can ensure that the process recognises the needs of participants

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<sup>12</sup> For a full explanation of the occurrence, dynamics, impacts and cost of sexual violence in New Zealand see Julich, S. & Landon, F. *Specialist Services for Restorative Justice*. June 2011

and runs safely. To ensure the work is carried out safely by the specialists, a clinical psychologist supervises the team. The team meets weekly and all cases are reviewed at the team meeting. The supervision provides checks and balances aimed at keeping all stakeholders safe.

**The process is victim-survivor driven. It respects the right of the victim-survivor to hold the person who caused harm accountable. It recognises the key place in victim-survivor healing of the re-balancing of power between victim-survivor and the person who caused the harm, and victim-survivor and society.**

The core of Project Restore is that it is victim-survivor driven. In essence, this approach means that every aspect of the process is reviewed and tailored to meet the needs of the victim-survivor. For this reason, each conference is different from the last and each is tailored according to the needs of the participants.

**The aims of the process are to offer an opportunity to experience a sense of justice and to contribute to healing for the victim-survivor and the person who caused the harm.**

Project Restore seeks to provide a 'sense of justice' for victim-survivors. In her research Julich (2001)<sup>13</sup> identified that victim-survivors do seek a sense of justice which includes having

- their stories heard by witnesses in a safe forum based on substantive equality
- an acknowledgement of the difference between right and wrong
- the offender to take responsibility and demonstrate accountability
- an experience of victimisation validated by offenders, bystanders and outsiders
- the ability to transform relationships so that they could co-exist with offenders in shared communities (e.g. families)

For the person who caused the harm, healing is promoted through the opportunity to publicly accept accountability for wrong-doing and to make appropriate reparations for the harm caused and commit to action to prevent further abuse. Project Restore encourages offenders who are assessed as being suitable to undertake a treatment programme which also contributes to their ability to heal and address the underlying causes of their offending.

**Processes are designed to maximise both the opportunity to experience a sense of justice and the chances for healing, and to minimise chances for harm.**

The victim-survivors Julich (ibid) interviewed stated that although they could imagine a restorative justice process that could achieve a sense of justice they were unsure that a process could address practice issues they were concerned about<sup>14</sup>. Project Restore has developed to ensure that the practice issues raised by victim-survivors have been addressed by providing the following,

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<sup>13</sup> Julich (2001) cited in Julich, S., Buttle, J. W., Cummins, C., & Freeborn, E. V. *Project Restore: An exploratory study of restorative justice and sexual violence Auckland*: AUT University. 2010

<sup>14</sup> Victim-survivors explained that practice issues to be addressed included power imbalances, equality, neutrality and impartiality, transfer of power to the community,

- The victim-survivor and the offender are given all the information possible about the process and its outcomes at many steps in the process and are asked for informed consent at various stages.
- A victim-survivor specialist assesses the readiness of the victim-survivor to participate to ensure the person has the internal and external resources to undergo what is an emotionally intense process.
- An offender specialist assesses the person who caused the harm through sexual violence.
- Other participants are screened to ensure all participants will be constructive to the process and not cause further harm to the victim-survivor.
- There is sufficient preparation for all participants. This can include an educative element and small group meetings (perhaps between siblings which may have been split through the offender grooming or between mothers and daughters) to help prepare the participants for the conference.
- There is access to therapy for the victim survivor.
- Specialist support is available for the person who caused the harm.
- Conferences and meetings are emotionally safe enough environments for the victim-survivor.
- Agreed outcomes are achievable, monitored and mediated.
- All participants are contacted following key aspects of the process.
- The process is psychologically informed, in particular, informed about psychological trauma, sexual offending, systemic therapy and the need for supervision.
- There is a high degree of community safety in that restorative justice facilitators must hold the safety of children as paramount.
- The restorative process is safer because it and the staff involved are embedded with community agencies that provide services for victim-survivors and offenders.
- Timeframes are necessarily flexible and based on the nature of healing from sexual violence.
- Other victim-survivors are acknowledged – people who may have been groomed by the offender to collude with the abuse.

## **What are some of the outcomes of Project Restore?**

As part of its continual reflection of its practice and processes and its desire to safely meet the needs of all participants, Project Restore have with support from the Ministry of Justice, completed studies exploring the outcomes of the Project<sup>15</sup>. In May 2010, Julich (et al)<sup>16</sup> undertook research using a qualitative approach to find out among other things the outcomes of Project Restore for participants. The findings showed that Project Restore meets the principles of best practice as set by the Ministry of Justice. In addition, the researchers explored the outputs of Project Restore reported by those interviewed. They reported a range of outputs including the quantifiable agreed outcomes of the conference process such as financial restitution and often more importantly the qualitative outcomes in terms of addressing the underlying causes of the offending, hearing the offender admit guilt,

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<sup>15</sup> See References attached

<sup>16</sup> Julich, S., Buttle, J. W., Cummins, C., & Freeborn, E. V. *Project Restore: An exploratory study of restorative justice and sexual violence Auckland*: AUT University. 2010. In this research six interviews were conducted with victim-survivors, offenders a victim specialist and an offender specialist and two focus groups were held.

having relationships transformed, victim-survivors being able to speak about the incident, and having a sense of justice.

Julich and Landon (2012)<sup>17</sup> undertook a review of 12 files (completed Project Restore cases as at June 2012) to ascertain the outcomes identified at various stages throughout the restorative process by participants and service deliverers and if the programme met the perceived needs of the participants. Julich and Landon used a matrix developed by Daly<sup>18</sup> who has identified that in order for victim-survivors to experience a 'sense of justice' they need to have the following features as part of the restorative process

- Participation
- Voice
- Validation
- Vindication
- Offender accountability

Julich and Landon found in their case review that in most instances the outcomes of the victim-survivors, offenders and other participants were achieved through the Project Restore process.

The second phase of this research project<sup>19</sup> (the first of its kind) has just been completed involving web based surveys, telephone and in-person interviews with participants who have been through the Project Restore programme to gain an understanding of how it was perceived by them. Due to the low numbers of participants findings cannot be generalised but for the people who did take part in the research there was overall a generally positive response. Victim-survivors when reflecting on the whole process, the preparation, the process itself and any agreed outcomes all said that Project Restore helped them to experience a sense of justice. They also reported an increased sense of wellbeing which the researchers report might minimise their future vulnerability to sexual revictimisation and the potential of offenders to continue offending. The offenders reported that they were both able to acknowledge accountability and attempt to put things right and able to address the underlying causes of their offending.

One victim said Project Restore gave them the

*“opportunity to hold him accountable for what he did and given [her/him] the power to follow through on everything , ensuring the judge had all information about what [the offender] did to make a decision re sentencing as opposed to just what [the offender] was charged with.”(pg. 14)*

One of the offenders said,

*“The work of project restore in my life was invaluable. I truly hope that others can benefit from the process/opportunity as much as I did. Regardless of outcomes, the process itself,*

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<sup>17</sup> Julich S., Landon F., *Achieving Outcomes for Participants of Project Restore's Restorative Processes*. December 2012.

<sup>18</sup> Daly, K. (In Press). Reconceptualising sexual victimization and justice. In I. Vanfraechem, A. Permberton & F. Ndahinda (eds.), *Routledge International Handbook of Victimology*. London. Routledge.

<sup>19</sup> Julich, S., & Landon, F. *Achieving Outcomes for Participants of Project Restore's Restorative Process. The perspectives of participants*. June 2013.

*its intentions and basis are fundamental to coping with offending. Accountability and forgiveness are hard wired into human nature if we ignore this there is no moving on, no healing, just covering up. Please keep Project Restore going strong.” (pg. 28)*

By providing a specialist and highly flexibly intervention as proposed by Project Restore provides the most likely model for supporting victim-survivors towards healing thus reducing the high economic burden sexual violence creates for individual victim-survivors, their families and wider society<sup>20</sup> This is also enhanced by being the most likely model given the research and fieldwork already behind it to support offenders in stopping their offending behaviour thus further reducing the overall societal cost.

## **Conclusion**

Project Restore is

- Safe – ensures victim-survivors are held at the centre.
- Responsive to need - continually reviewed.
- Robust – supported by on-going research and its extensive history of operation.
- Respected - has trust and confidence from stakeholders working in the sexual violence sector.
- Cost effective – will help reduce the high societal costs of sexual violence.

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<sup>20</sup> Julich and Landon explain that the cost of sexual violence includes the cost of responding to the crime, direct costs to the victim-survivor for medical, mental health care, counselling, lost workdays, lost tertiary education property losses, pain and suffering and for the family a loss of affection and quality of life. In addition, the psychological and physical impacts on the victim-survivor are both short and long term. They argue that in New Zealand the cost of one incident of sexual violence was estimated at \$72,130 (Rotherham & Julich, 2009, pg.3.) cited in Julich, S., & Landon, F. *Specialist Servicers for Restorative Justice*. June 2011.

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