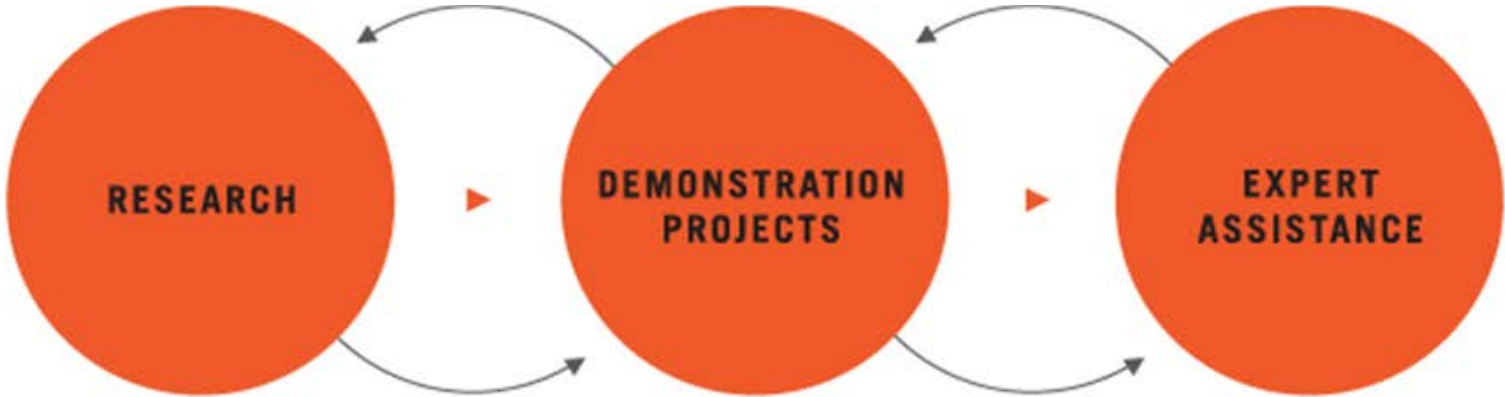


**Lessons Learned:
How Can Courts and Communities
work to Enhance their response to
Domestic Violence?**

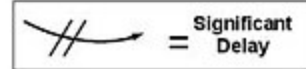
Learning Objectives

- ▶ Define offender accountability
- ▶ Identify collaborative strategies to enhance victim safety
- ▶ Describe domestic violence specific risk assessment
- ▶ Define key components of abusive partner intervention programs
- ▶ Identify national best practices

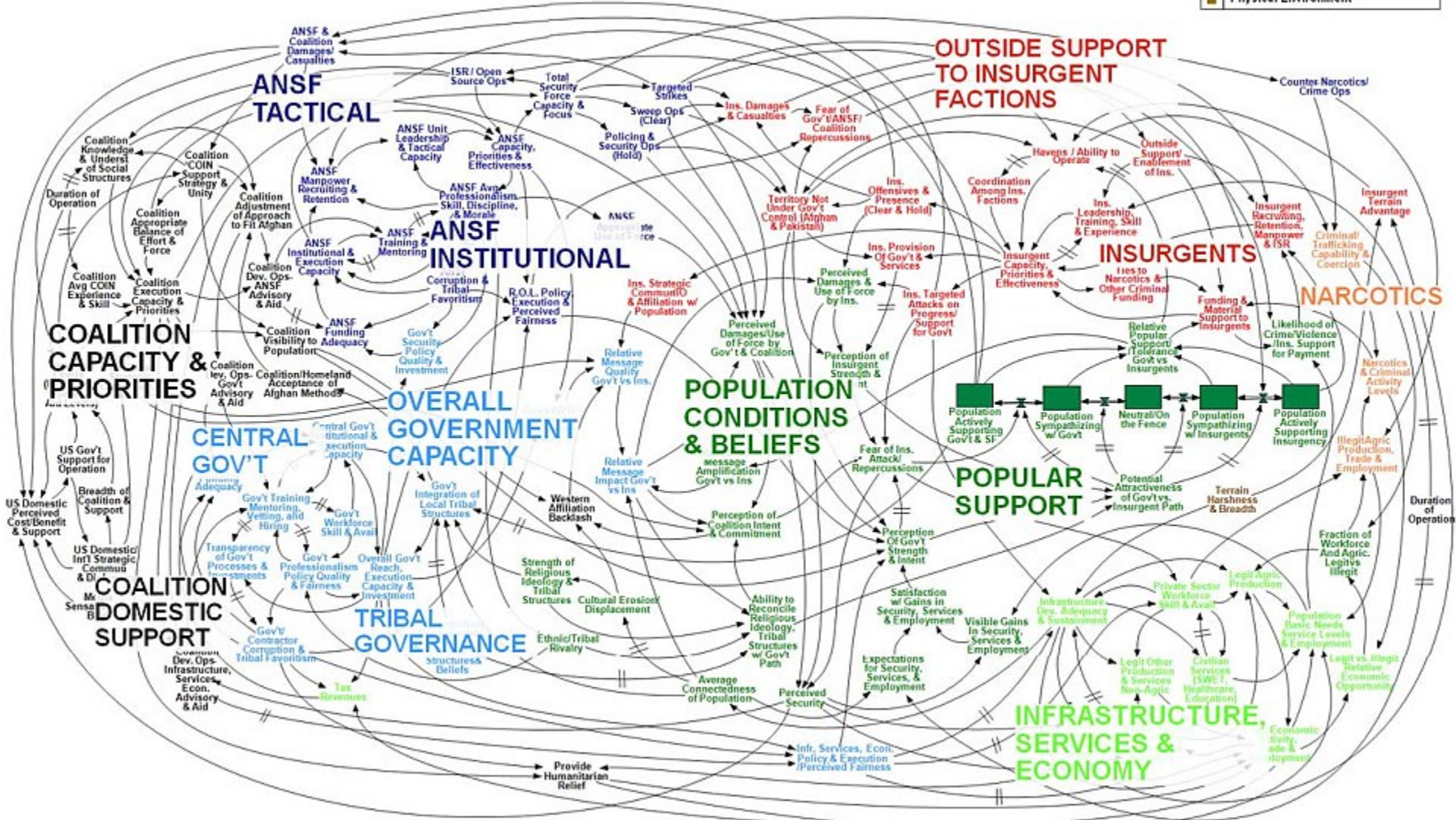
The Center's Work



Afghanistan Stability / COIN Dynamics



- Population/Popular Support
- Infrastructure, Economy, & Services
- Government
- Afghanistan Security Forces
- Insurgents
- Crime and Narcotics
- Coalition Forces & Actions
- Physical Environment



WORKING DRAFT - V3

**How can we enhance our
response?**

One Approach: Problem-Solving Courts

- ▶ Problem-solving courts are designed to improve case outcomes for those involved in the justice system and their communities.
- ▶ Designed to change the behavior of respondent/defendants, aid victims, prevent future offending and to make communities safer.
- ▶ Standard practice around the US, with over 1000 problem-solving courts nationwide.

Examples of Problem-Solving Courts

Therapeutic or alternative to incarceration models:

- Drug Courts
- Community Courts
- Mental Health Courts
- Human Trafficking Intervention Courts

Accountability models:

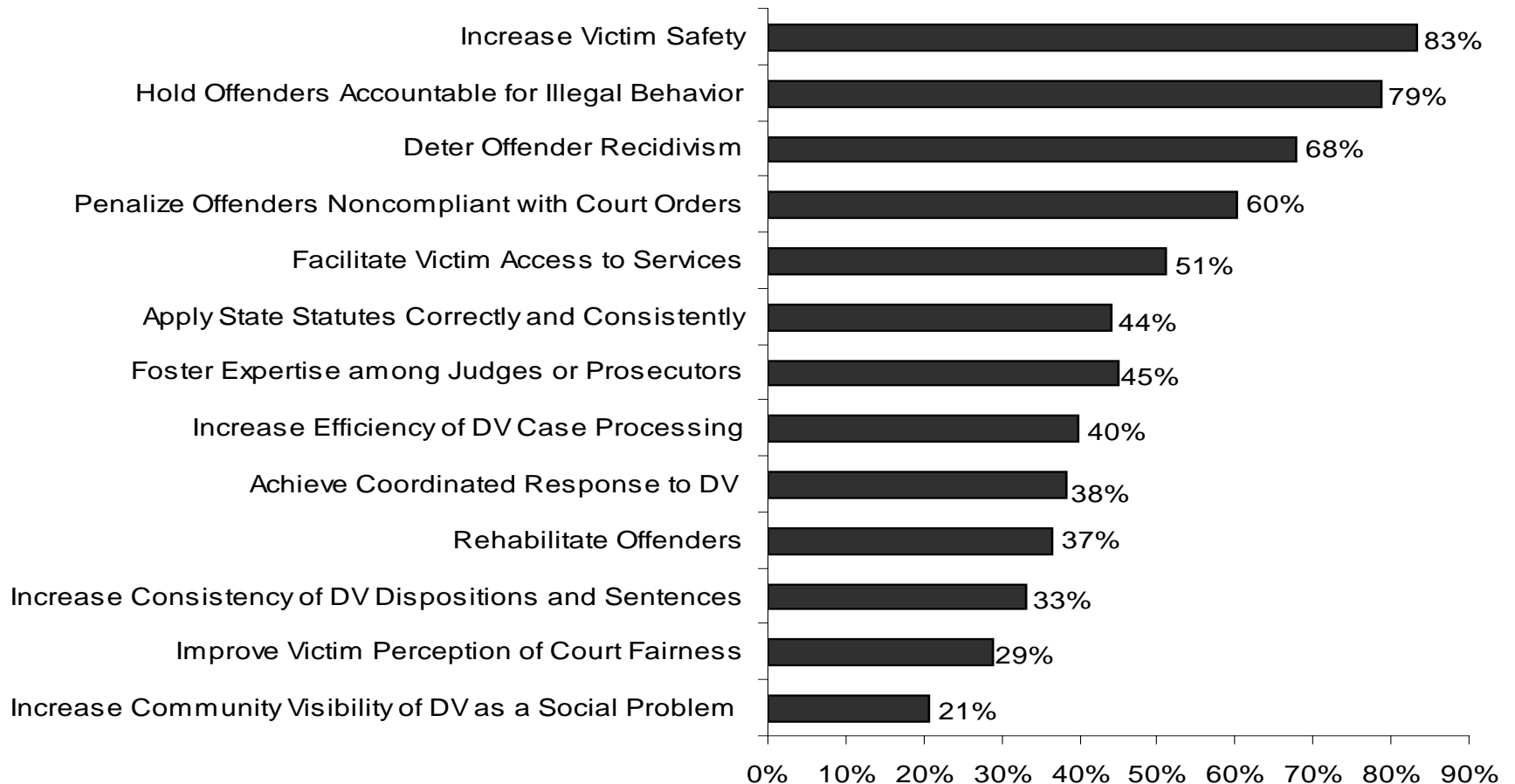
- Domestic Violence Courts
- Sex Offense Courts

DV Courts Promote

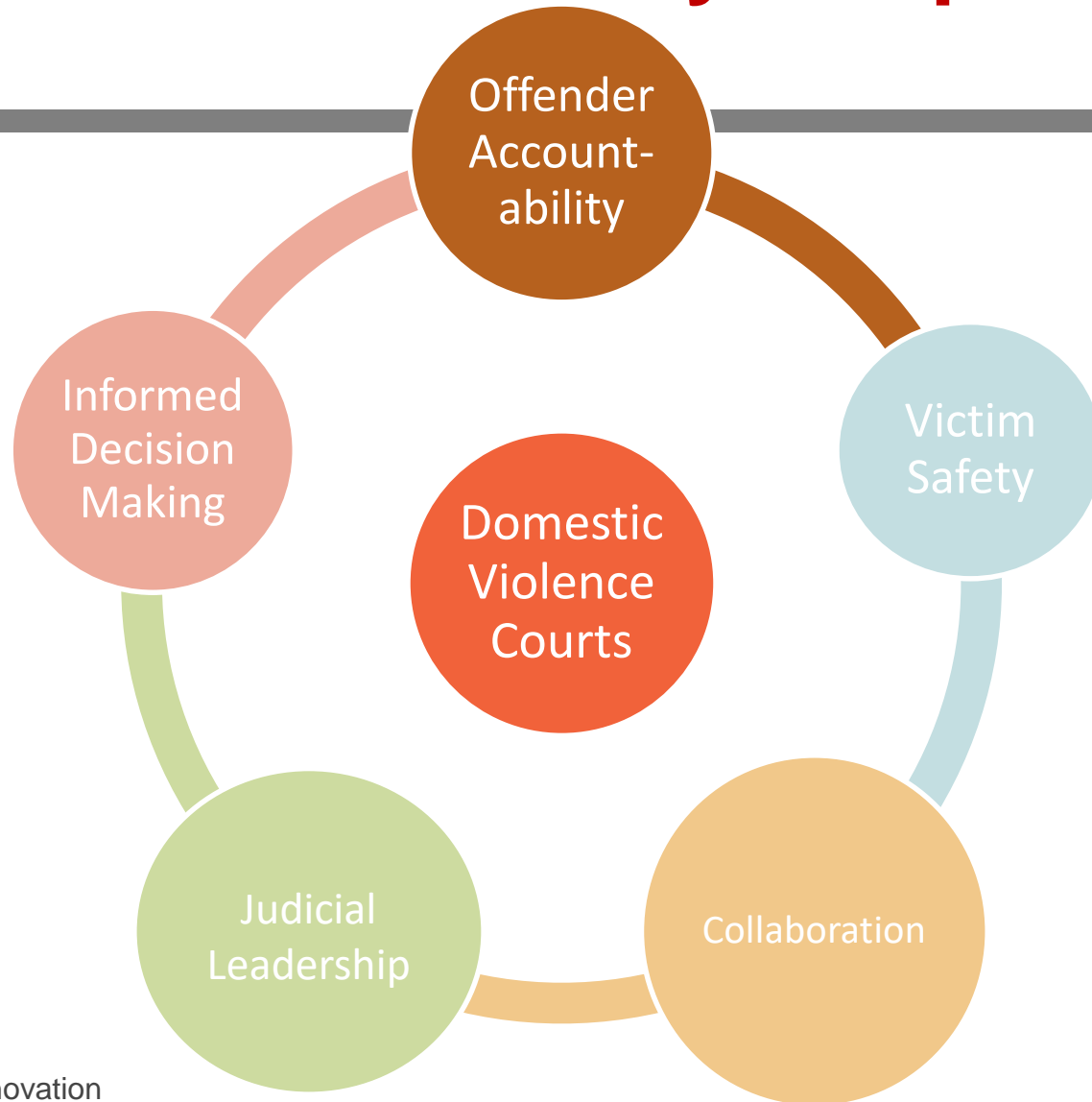
- ▶ An engaged judiciary
- ▶ Coordination between stakeholders
- ▶ Improved victim safety for petitioners/children
- ▶ Identifying offender risk
- ▶ Improved information sharing between agencies where appropriate
- ▶ Evaluation and research

What are Domestic Violence Court Goals?

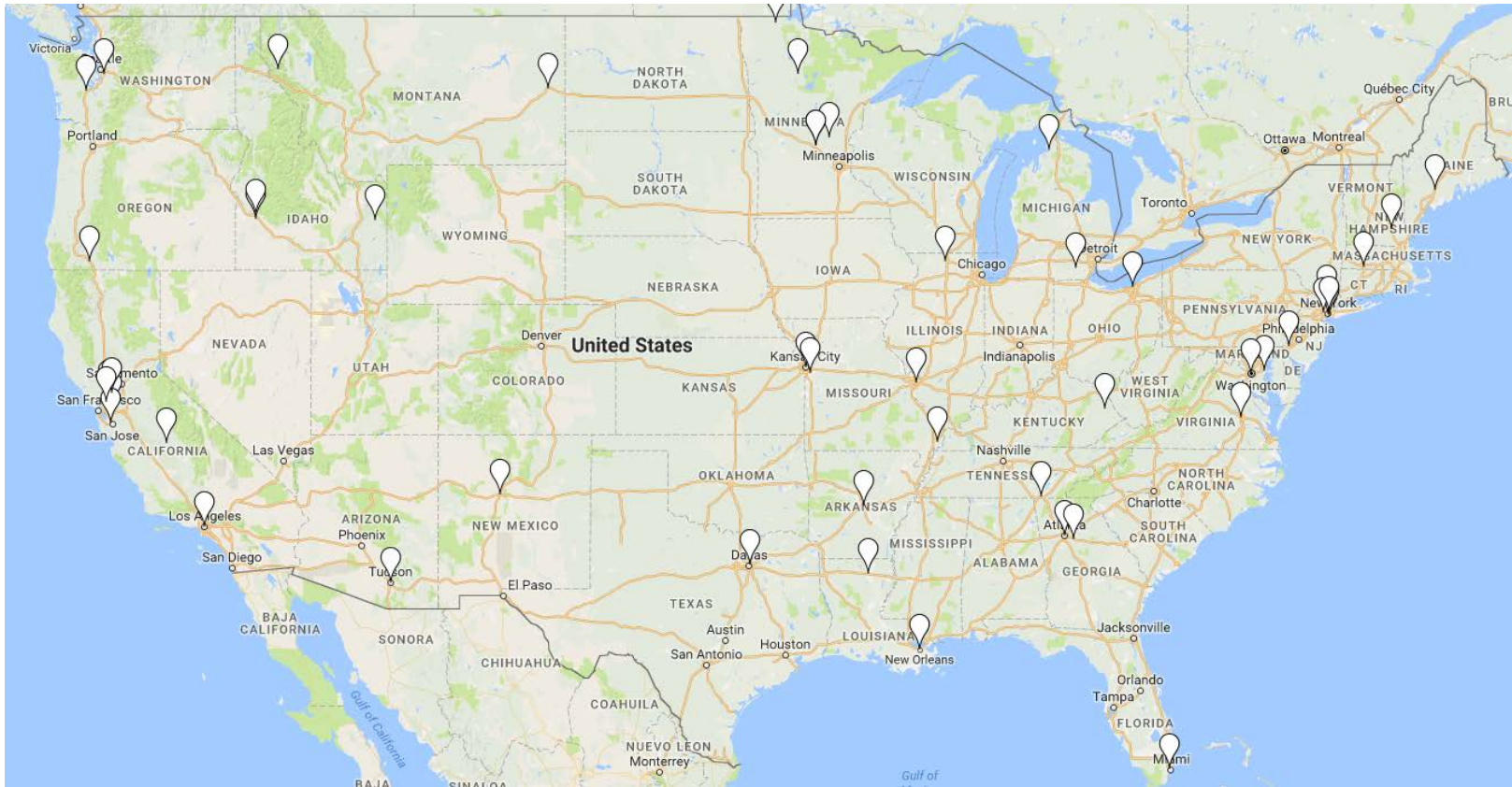
Domestic Violence Court Goals: Percentage of Court Survey Respondents Rating Each Goal as "Extremely Important" (N=129)



Key Elements of A Coordinated Court and Community Response



Justice For Families Grantees



Research Supports Court-Based Responses to Domestic Violence

- ▶ Improves victim linkages with victim services
- ▶ Increases cooperation with the criminal justice process
- ▶ Some studies show reduced recidivism
- ▶ Increased accountability including conviction, probation, offender program attendance and compliance
- ▶ Improved victim satisfaction

What do we mean by Accountability?

Barbara Hart's Wisdom



Safety for Women: Monitoring Batterers' Programs
PCADV- Developed 1990, Revised 2004

Accountability

Batterers, men's counselors and battered women's advocates **must be accountable to battered women** if we are to end violence against women and to do so in a manner that does not further endanger battered women and which specifically incorporates strategies that will empower battered women.

Accountability is a process by which people plan for and execute responsible conduct both individually and in interaction with significant others. An accountable person is one who periodically gives a detailed explanation of his conduct to others to whom he is responsible. **An accounting must outline strategies to assure responsible conduct and to avoid problematic conduct.** An accounting is a reckoning of behavior.

An accountable person who has acted irresponsibly or has created an unjust situation for another must compensate the person he has wronged in an effort to restore the injured party to the condition or situation prior to the wrongful action.

But accountability for wrongdoing goes beyond mere restitution. It also precludes the wronging party from repeating the injurious conduct. Therefore, accountability must include a plan to prevent a recurrence of this behavior. An accountable person is one who accepts those **constraints voluntarily.**

Accountability

Accountability is the acknowledgment and assumption of responsibility for actions, products, decisions, and policies including the administration, governance, and implementation within the scope of the role or employment position and encompassing the obligation to report, explain and be answerable for resulting consequences.

--Wikipedia

Institutional Accountability



"Legal advises finger-pointing."

Accountability: National Survey

Groundwork for an Accountability Model:

- ▶ **Reporting Protocols:** Reports routinely submitted to court by virtually all batterer programs (at least 94% according to both program and court respondents nationwide)
- ▶ **Judicial Monitoring:** 62% of responding courts employ post-disposition compliance monitoring

Source: Labriola, Rempel, O'Sullivan, Frank, et al. (2007).

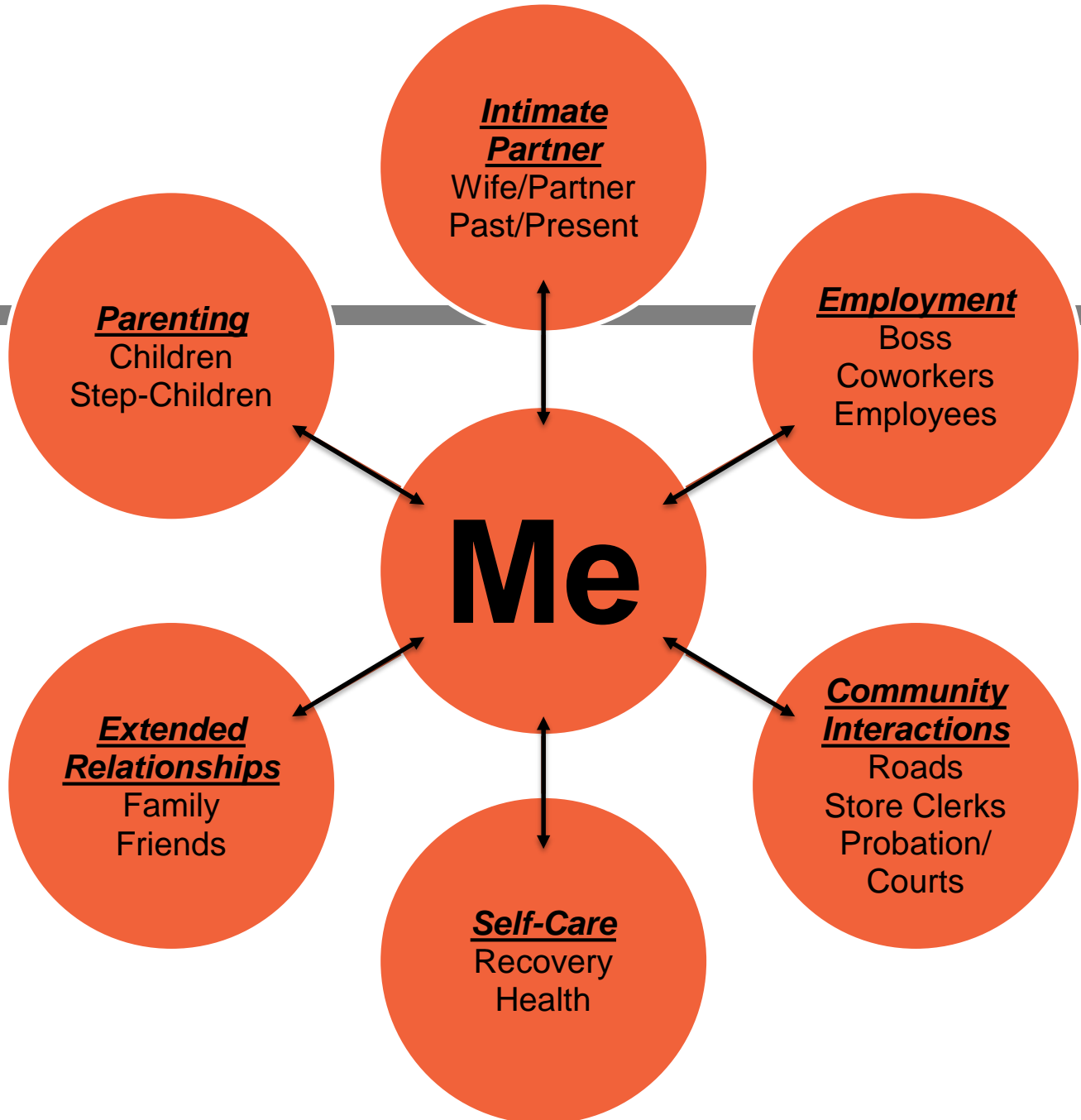
Accountability: National Survey

Problems of Implementation

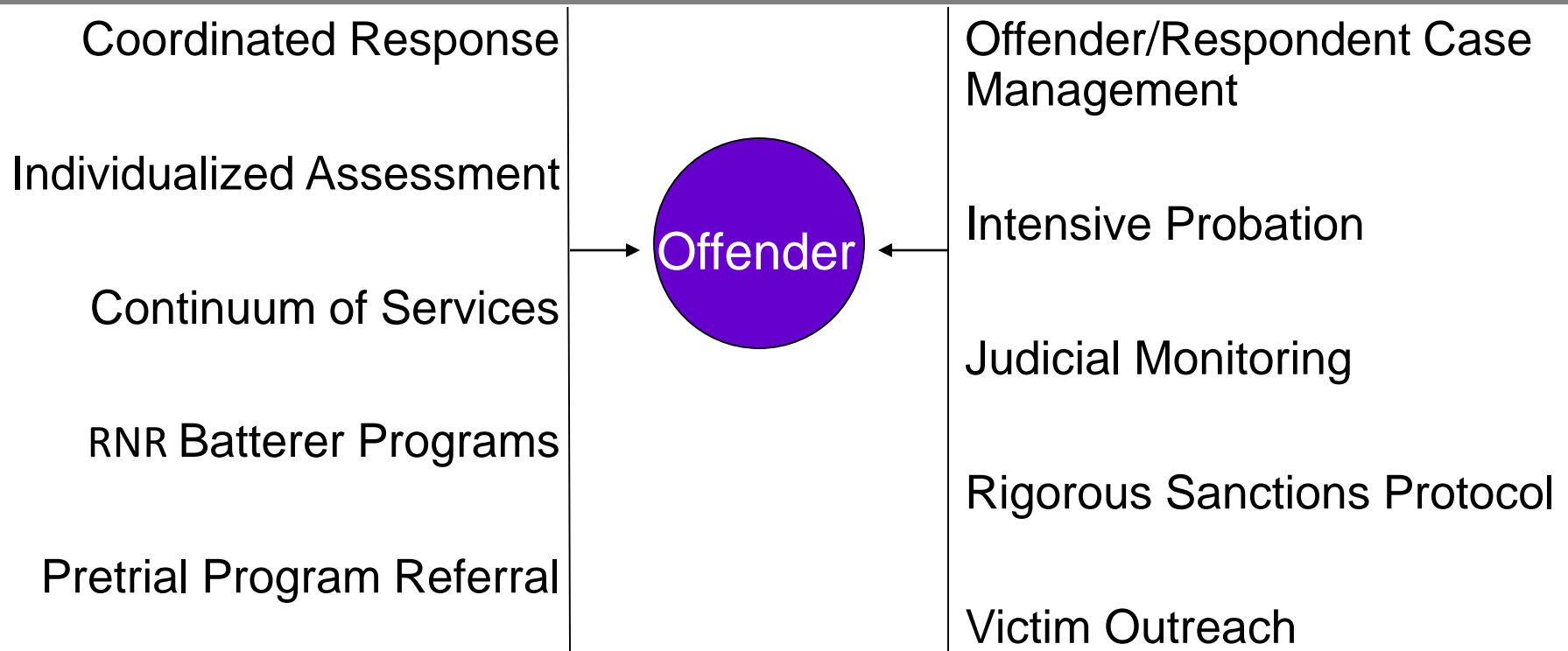
- ▶ **Intensity of Judicial Monitoring:** Although 62% of courts employ judicial monitoring, only 32% hold a first compliance date within 4 weeks of disposition.
- ▶ **Re-calendaring:** Only 26% of courts report re-calendaring the case within two weeks of a report of noncompliance.
- ▶ **Written Protocol:** Only 12% of courts report having a written protocol defining how to respond to noncompliance
- ▶ **Sanction Certainty:** Only 33% of courts report always imposing a sanction for noncompliance (and specific sanctions often include no more than verbal admonishment)

Enforcement: California Audit

- ▶ California Law
 - ▶ Mandatory 52-week batterer program
 - ▶ Strict probation and court reporting requirements
- ▶ Audit Results (sample of 125 DV offenders)
 - ▶ Only half completed the program
 - ▶ $> \frac{1}{4}$ of completers had significant noncompliance
 - ▶ Some probation departments routinely re-referred noncompliant offenders back to programs without imposing sanctions or notifying the court:
 - ➡ “[This]...unintentionally sends the message that program violations are not serious and therefore will be tolerated.”



Institutional Accountability

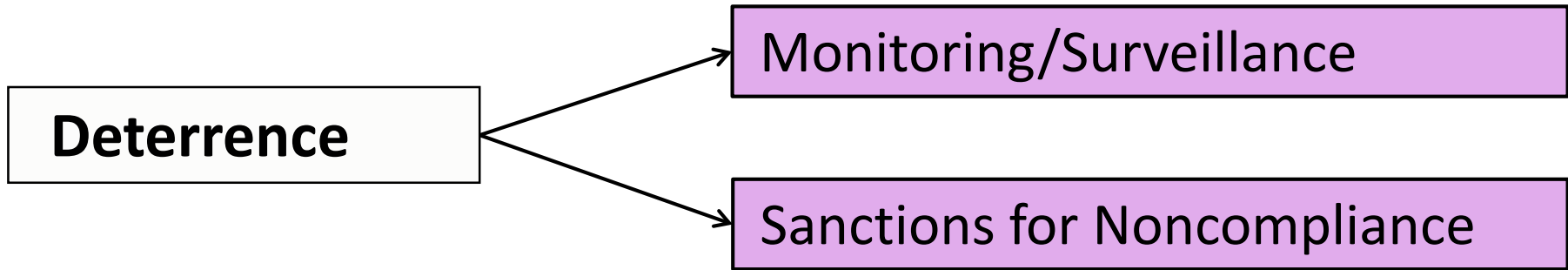


How is accountability related to victim safety?

- ▶ Accountability is about VICTIM SAFETY at its core!
(or at least it should be)
- ▶ Ongoing vt contact:
 - Probation or BIP providers take extensive free 40 hour vt training
 - Sensitive victim interview critical
 - Shift from gathering to providing information
 - Multidisciplinary review teams
 - From Jim Henderson, BWJP

Can Effective Offender Accountability Measures Deter Recidivism?

Elements of Offender Deterrence



Monitoring/Surveillance

- ❌ **Surveillance:** Judicial or probation monitoring does not deter recidivism in itself (e.g., Petersilia 1999; Sherman et al. 1997; Taxman 2002)
- ✓ **Sanctioning Tool:** Monitoring provides frequent opportunities to establish a credible threat of sanctions for noncompliance (or to impose sanctions if needed)

Evidence-Based Sanctions

1. **Certainty** (consequence for every infraction)
2. **Celerity** (imposed soon after the infraction)
3. **Severity** (serious enough to be undesirable)

Key Research Findings

- **Certainty:** Most critical element of interim sanctions
- **Expectation of Certainty:** Certain sanctions cannot deter noncompliance if offenders do not expect them:
 - ▶ Formal sanctions schedule (written and handed to offenders)
 - ▶ More CJ agents note consequences of noncompliance
 - ▶ More CJ agents express that consequences will be severe
 - ▶ More times when offenders must promise to comply

National Best Practices: Accountability

- ▶ “Judge Knows It All”
- ▶ Compliance Reports and Information Sharing
- ▶ Creative Sanctioning to respond to the individual offender
- ▶ Probation conditions and Program Expectations
- ▶ Court technology to share compliance information

**Does it Matter if Offenders
Perceived Sanctions and Other
Requirements as Fair?**

Yes!

The Role of Procedural Justice

- ▶ **Procedural justice** concerns the perceived fairness of court procedures and interpersonal treatment while a case is processed.

BUT—Isn't winning the case
the most important thing?

Procedures v. Outcomes

- ▶ **Most people don't like to lose**
- ▶ **Procedural justice theory assumes that:**
 - People know they will sometimes lose
 - People will be more likely to accept losing if they:
 - Perceive the process was fair.
 - Believe they were treated with dignity and respect.
 - Had a chance to be heard.

Procedural Justice Dimensions

- **Voice:** Participants' side is heard
- **Respect:** Treated with dignity and respect
- **Neutrality:** Decisions unbiased and consistent
- **Understanding:** Participants understand responsibilities, decisions, and reasons for decisions

Research Findings

- ▶ **Compliance:** Increases compliance with court orders and reduces future crime (e.g., Lind et al. 1993; Tyler and Huo 2002)
- ▶ **Aid to Deterrence:** Complements deterrence by reducing perceptions of unfair consequences
- ▶ **Role of the judge:** Greatest influence; linked to recidivism reduction (Abuwala & Farole 2008; Lee et al. 2013; Frazer 2006; Rossman et al. 2011)

National Best Practices: Procedural Fairness

- ▶ Judicial Leadership
- ▶ Full understanding of the case/defendant
- ▶ Defendant offered opportunity to be heard
- ▶ Courthouse environment
- ▶ Victim Input/Procedures
- ▶ Consistency

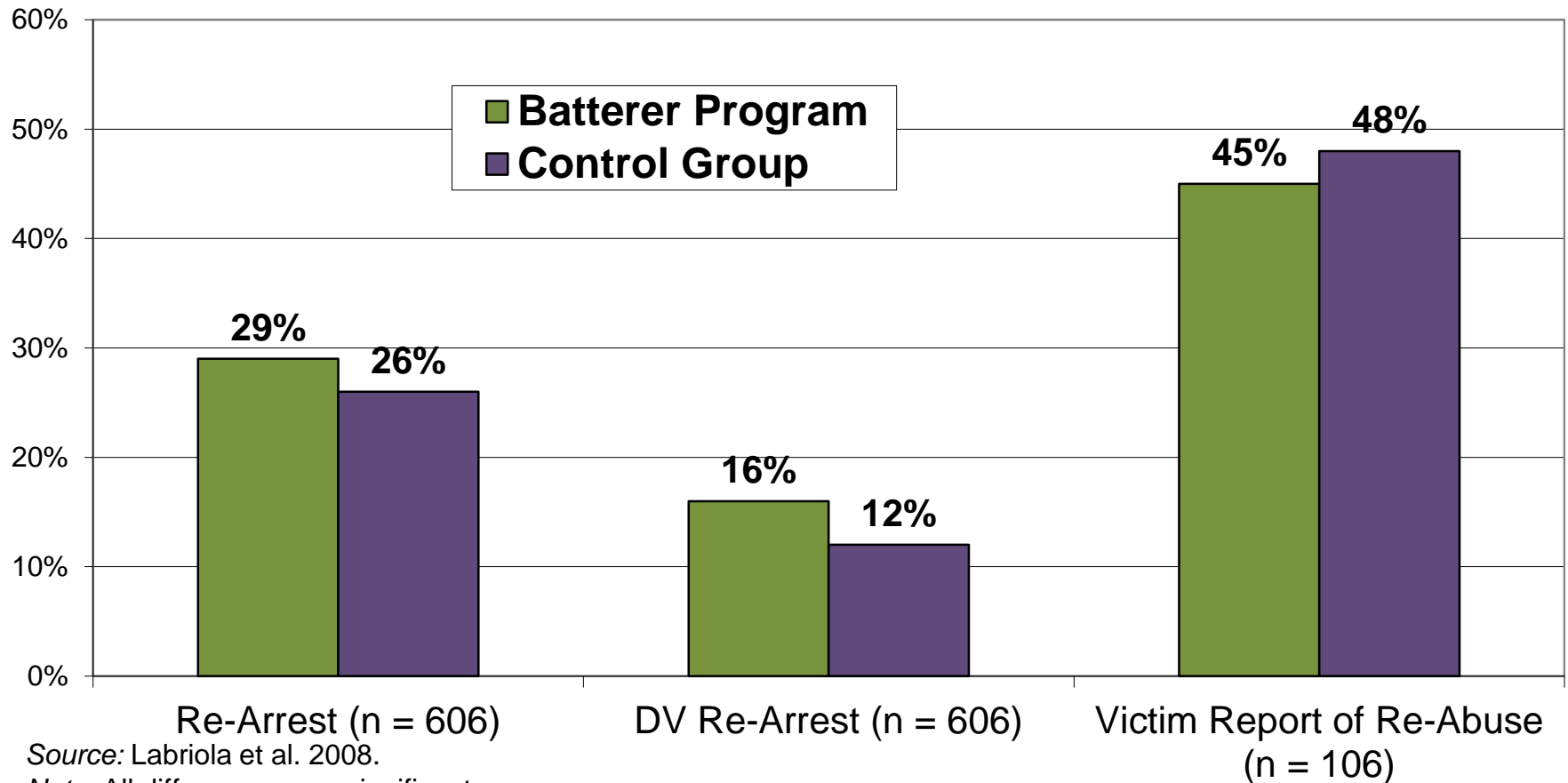
**What about achieving real
offender rehabilitation through
treatment? Is that possible?**

Overview of Batterer Program Research

- ▶ **More than 60 batterer program evaluations:** Most involve poor designs lacking a comparison group.
- ▶ **Handful of evaluations meeting minimum standards of rigor:** Average results = no effect (Feder and Wilson 2005; Miller et al. 2013)
- ▶ **Five randomized controlled trials** (randomly assign offenders to batterer programs or not):
 - ▶ 1 showed recidivism reduction (Hamilton, Ontario)
 - ▶ 1 showed mixed findings (Brooklyn)
 - ▶ 3 showed no effect (Broward County, FL; San Diego, CA, and the Bronx)

The Bronx Batterer Program Experiment

Impact of Batterer Programs on Recidivism



Source: Labriola et al. 2008.

Note: All differences non-significant.

Key Limitations of Extant Research

- ▶ **Program Model:** Many evaluations involve a single model—psycho-educational batterer programs.
- ▶ **Program Quality:** Barely any extant evaluations intentionally located and examined programs that adhere to a range of evidence-based practices.

What might a high quality,
treatment approach look like?

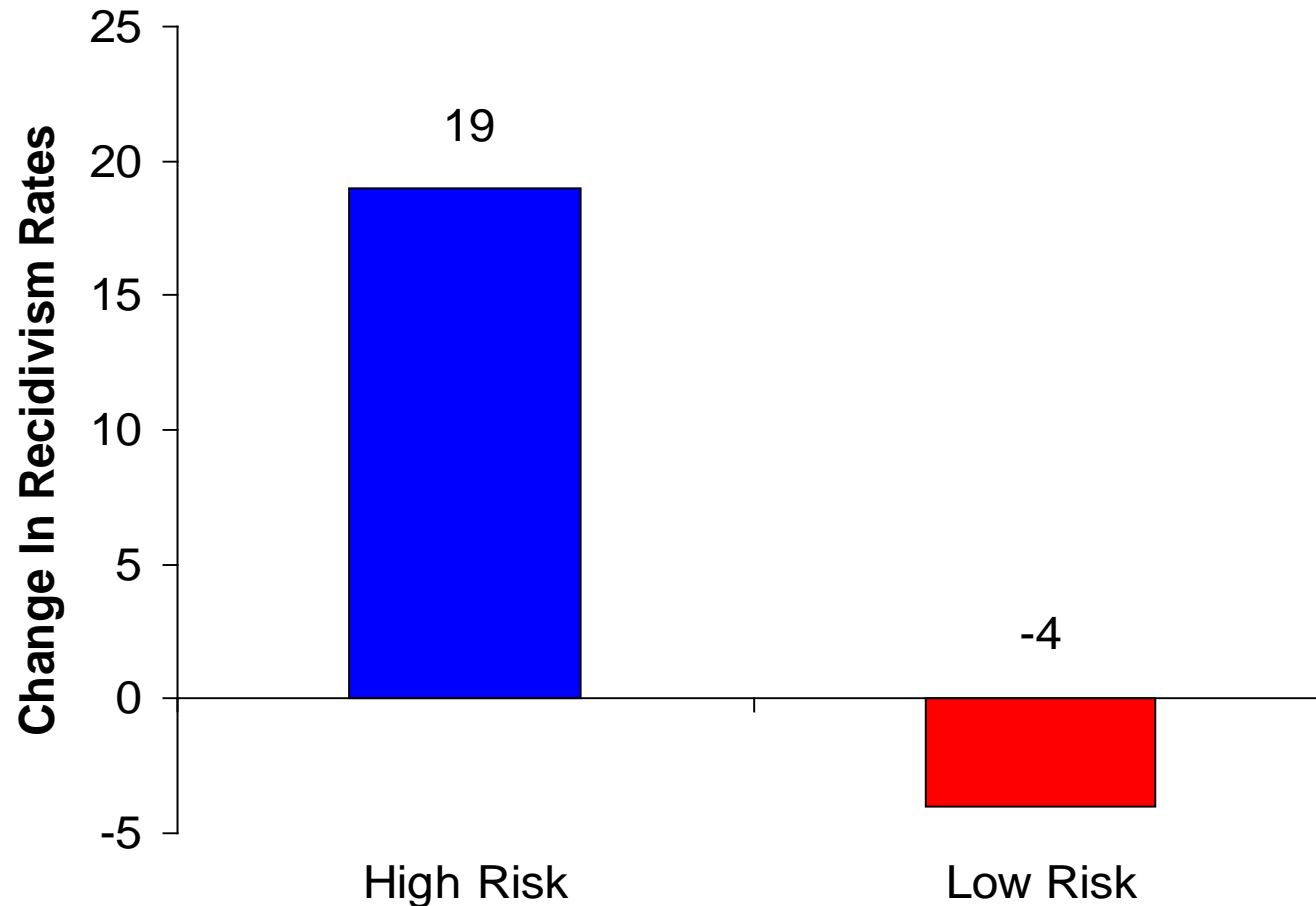
Risk-Need-Responsivity Model

- ▶ Developed in Canada in the 1980s.
- ▶ Supported by three decades of research and over 300 original studies with a wide range of offender populations (though not DV-specific).
- ▶ Widely embraced by correctional treatment experts across North America, Europe, and Australia.
- ▶ Shows that evidence-based treatment exists and can yield sizable impacts (up to 30-point recidivism reductions in some studies).
- ▶ Composed of three core principles.

1. The Risk Principle

- **Risk Principle:** *Vary supervision and treatment intensity by risk level.*
 - ▶ High-Risk: Provide intensive intervention.
 - ▶ Low-Risk: Avoid over-programming or placing in group sessions with high-risk offenders

Average Results in 374 Studies



Source: Dowden & Andrews (1999).

2. The Need Principle

- **Need Principle:** *Assess and treat “criminogenic” needs—defined as those needs that, if unmet, will lead to ongoing criminal offending.*

Central Eight Risk-Need Factors

1. Prior criminal behavior (STATIC)

2. Antisocial personality

3. Antisocial associates

Criminal thinking

5. Family or marital problems

6. School or work problems

7. Lack of pro-social activities

8. Substance abuse

Criminal Thinking 101

- ▶ **The Concept:** Thoughts, attitudes, and decision-making strategies that dispose individuals to crime
 - Legal Cynicism: Negative views of the law and authority
 - Anger and Impulsivity: Poor decision-making skills
 - Criminal Attitudes: Believing violence is often acceptable; not upset if others are hurt physically or emotionally
 - Neutralizations (excuses): Blaming the victim; minimizing harm; blaming society; believing crime is inevitable
- **Effective Treatments:** Thinking for a Change, Moral Reconciliation Therapy (MRT), and Interactive Journaling

3. The Responsivity Principle

- ▶ **Responsivity Principle:** *Use cognitive-behavioral approaches adapted to the specific needs, learning style, strengths, and other attributes of the offender.*
- ▶ General Responsivity: Cognitive-behavioral approaches
- ▶ Specific Responsivity: Tailor to offender; “one size fits all” will not address offender-specific needs and attributes

Cognitive-Behavioral Therapy

- ▶ **A general approach but can be adapted:**
 - The Present: Current people, places, and behaviors
 - Cognitive Restructuring: Effort to change the **automatic** thoughts & feelings that lead to (e.g.) crime and drug use
 - Self Awareness: Practice consciously identifying thoughts and feelings that previously went unexamined
 - Problem-Solving: Vs. impulsive reactions, help offenders develop pro-social responses to thoughts/feelings
 - Anger: Often involves an anger control element
 - Empathy: Identifying the other's thoughts and feelings
 - Education? No!

Treatment Implementation

- ▶ **Treatment Group Size** (ideally ≤ 12 per group)
- ▶ **Sensitivity to Risk Level** (separate groups by risk)
- ▶ **Manualized Curricula** (written lesson plans)
- ▶ **Staff Experience:** Most staff with advanced degrees in clinical field and experience with offender population
- ▶ **Training:** Staff training/retraining (e.g., on CBT)
- ▶ **Supervision:** Counselors receive ongoing supervision

RNR Summary

1. **Risk Principle:** Who to Treat? Moderate- to High-Risk
2. **Need Principle:** What to Treat? Criminogenic needs
3. **Responsivity Principle:** How to Treat? Cognitive-behavioral approaches tailored to offender attributes

Role of Risk-Needs Assessment:

- Gain information about risk of re-arrest and future DV
- Understand each offender's specific array of needs
- Match offenders to appropriate CBT-based programs

Risk-Need-Responsivity Impact

▶ **Average RNR Effects** (Andrews and Bonta 2006):

- No RNR principles: $-.02$
- 1 RNR principle: $+.02$
- 2 RNR principles: $+.18$
- 3 RNR principles: $+.26$

National Best Practices: Treatment/Programming

- ▶ CBT within a DV context
- ▶ Creating systems that assess risk and have a variety of programs to respond
- ▶ Have BIP and other mandated program providers present information at planning meetings regarding programming so that all stakeholders are informed
- ▶ Civil and criminal referrals to BIP and to Parenting with Respect, Caring Dad's programs
- ▶ Use compliance calendaring and sanctions to leverage a sufficient program duration that responds to risk

**Does collaboration among court
and community partners help?**

Collaboration

- ▶ Obtain the buy-in and participation of multiple criminal justice agencies
- ▶ Research shows better implementation outcomes if line-staff buy in to the court
- ▶ Evaluation of programs for drug-addicted defendants found reduced recidivism when multi-disciplinary teams were involved in the planning of the program

Coordinated Community Response Key Principles

- ▶ Coordination takes many forms, but at the core of any such effort is a commitment of the participants to develop:
 - ▶ a shared philosophical framework on domestic violence;
 - ▶ an understanding of others' roles; and
 - ▶ a **plan** to improve the response of different institutions and agencies to domestic violence.

National Best Practices: Collaboration

- ▶ Coordination of victim services
- ▶ Multi-disciplinary domestic violence taskforce
Inter-court collaboration
- ▶ Meetings hosted by various team members
- ▶ On-going training and stakeholder meetings
- ▶ Safety Audit (Praxis) and DV Court Self-Evaluation (Center for Court Innovation)

Apart from all this, what can courts do immediately to help keep victims safe?

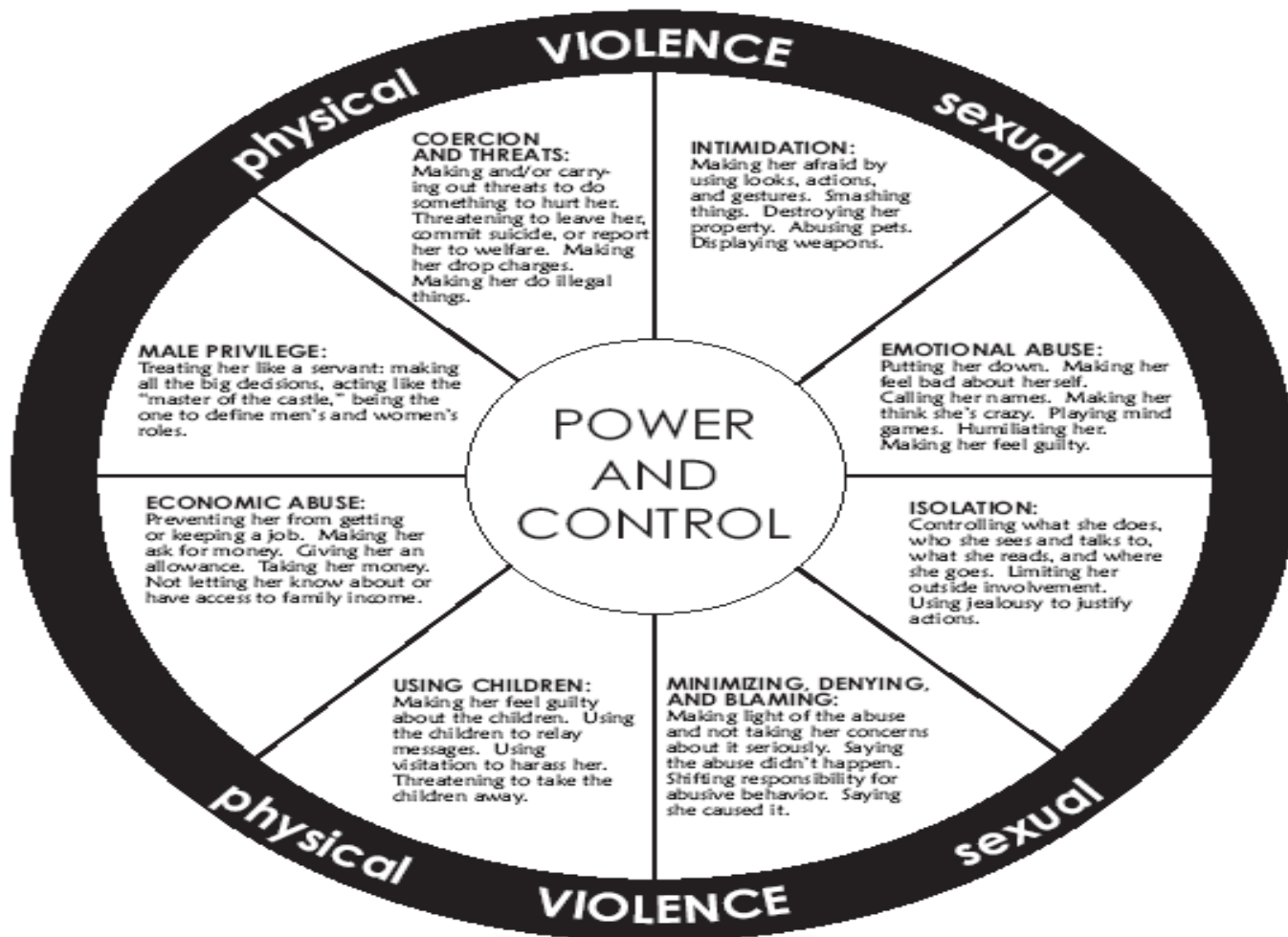
Focus on Victim Safety

- ▶ Protective orders
- ▶ Coordinate with Victim Services
- ▶ Focus on Sexual Assault
- ▶ Evidence collection
- ▶ GPS
- ▶ Child/Spousal Support

POWER AND CONTROL WHEEL

Physical and sexual assaults, or threats to commit them, are the most apparent forms of domestic violence and are usually the actions that allow others to become aware of the problem. However, regular use of other abusive behaviors by the batterer, when reinforced by one or more acts of physical violence, make up a larger system of abuse. Although physical assaults may occur only once or occasionally, they instill threat of future violent attacks and allow the abuser to take control of the woman's life and circumstances.

The Power & Control diagram is a particularly helpful tool in understanding the overall pattern of abusive and violent behaviors, which are used by a batterer to establish and maintain control over his partner. Very often, one or more violent incidents are accompanied by an array of these other types of abuse. They are less easily identified, yet firmly establish a pattern of intimidation and control in the relationship.



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Responding to Intimidation

- ▶ Provide a safe waiting area for complainants to minimize contact with defendants
- ▶ Monitor defendants for any intimidating behavior in the courtroom (inc. nonverbal) → put on the record
- ▶ Encourage DV training for ALL staff, including security personnel
- ▶ Seek sanctions for violations of OPs, including stalking, phone calls & sending messages through children

Responding to Minimization, Denial & Victim Blaming

- ▶ Address alcohol/drug abuse as a co-existing problem but not the *cause* of abuse
- ▶ Emphasize defendants' sole responsibility for their criminal behavior even if victim disengages
- ▶ Ask for a detailed allocution
 - ▶ Review the charges & ask the defendant to give specifics of crimes committed
- ▶ Establish a reporting system with mandated programs & Probation
- ▶ Risk Assessment

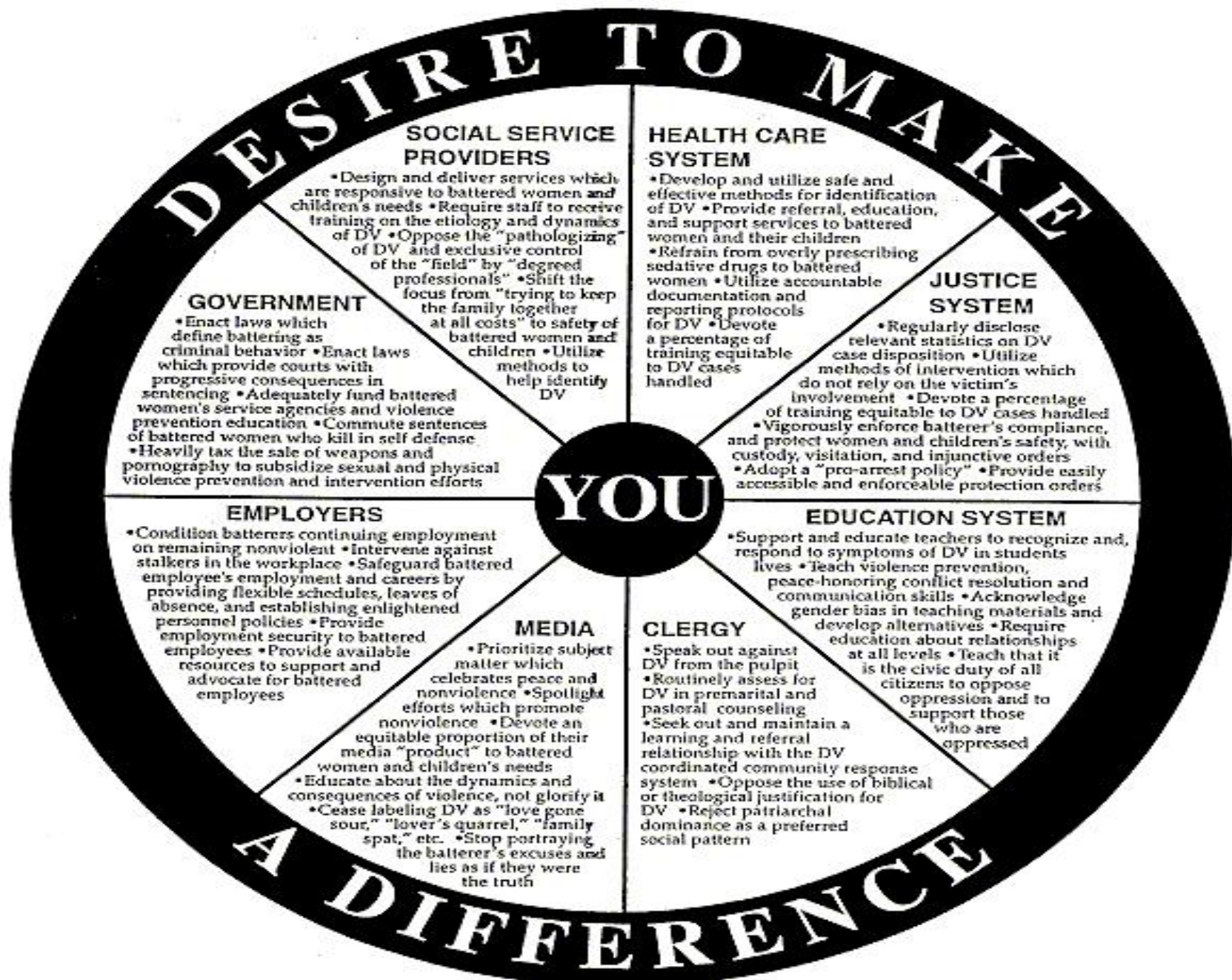
National Best Practices: Victim Safety

- ▶ More effective protective orders, including focus on firearms law implementation
- ▶ Understanding the services offered in community
- ▶ Have resources for victims available → hotline numbers, pamphlets, on-site advocate
- ▶ Courthouse Safety
- ▶ Information sharing where possible between agencies
- ▶ Understanding risk factors

If we do it right...

How well are victims served by DV courts?

- ▶ In Hennepin County, MN, 87% of victims were satisfied or very satisfied with the court and the judge.
- ▶ In Quincy, MA and Shelby County, TN, approximately three-quarters of victims were satisfied with the handling of their case. In Shelby, the same proportion reported that the way the court handled the case made them feel safe.
- ▶ A majority of victims in Quincy, MA reported that the D.V. court experience gave them a sense of control.
- ▶ Bronx, NY victims more satisfied where defendant received sentence to BIP
- ▶ In Yonkers, NY IDV:
 - ▶ nearly all (85%) respondents had a protective order in place at the time they were surveyed. Most victims (60%) believed that the court was likely to discover a violation of their protective order and 72% believed that the judge would take such a violation seriously.
 - ▶ Court Efficiency: The majority of both victims and defendants believed that having all of their cases in one court made getting to court easier and meant taking fewer days off from work to attend court.



Thanks!

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