

IMPROVING COURT RESPONSE TO DOMESTIC VIOLENCE

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Definition of Domestic Violence

- **A pattern of coercive control that may be primarily made up of psychological abuse, sexual coercion, or economic abuse, that is punctuated by one or more acts of frightening physical violence, credible threat of physical harm, or sexual assault.**

CAUSES OF DOMESTIC VIOLENCE PERPETRATION

- **Attitudes that support violence toward female partners**
- **Learned behavior from male role models**
- **Lack of consequences for previous acts of domestic violence**

OBSTACLES TO CHANGE

- **Lack of consequences**
- **Lack of confrontation and abuser education**
- **Alcohol and drugs**
- **Mental health problems**

ELEMENTS OF CHANGE

- **Consequences**
- **Education**
- **Confrontation**
- **Accountability**

CORE ISSUES

- **Power and control**
- **Selfishness**
- **Disrespect**
- **Justification**
- **Intimidation (including violence)**

MYTHS ABOUT BATTERERS

- **Loss of control**
- **Lack of education**
- **Poor communication skills**
- **Low self-esteem**
- **Insecurity**
- **Poor, ethnic minority**
- **Produced by bad relationship dynamics**

REDUCING RECIDIVISM

- **Avoid diversion**
- **Incarcerate the batterer**
- **Split sentence where statute permits**
- **Revoke probation quickly when violations occur**

REDUCING RECIDIVISM

- **Accelerate trial process as much as possible**
- **Address any substance abuse issues**
- **Require rapid starting of batterer intervention program**
- **Refer victim to services for herself and the children**

REDUCING RECIDIVISM

- **See *The Criminal Justice Response to Domestic Violence* by Andrew Klein, retired probation officer.**

REDUCING RISK

- **Perform danger/lethality assessment**
- **Maintain confidentiality of victim's address**
- **Increase the use of incarceration**

INTERVENTIONS TO AVOID

- **Conjoint counseling or mediation**
- **Anger management**
- **Substance abuse or mental health treatment *as a substitute for* legal consequences and batterer intervention services.**
- **Batterer intervention in the absence of a meaningful consequence held over the offender**
- **Batterer intervention if the offender continues to deny the offense**

HOLDING BATTERERS ACCOUNTABLE

- **Close monitoring and supervision**
- **Avoiding collusion**
- **Pressing him to deal with his abusiveness**
- **Don't take his word on his progress or behavior**
- **Maintain relationship with victim**

ADDITIONAL ISSUES

- **Women arrested as heterosexual perpetrators**
- **Same-sex domestic violence**
- **Child abuse reporting**
- **Child custody**

TACTICS IN SEEKING ALLIES

- **Seeking sympathy**
- **Minimizing seriousness of the offense**
- **Blaming alcohol**
- **Bonding with males against women**
- **Flattering/flirting with females**

TACTICS IN SEEKING ALLIES

- **Shifting blame to victim**
- **Lying**
- **Promising change**
- **Getting people to pressure or criticize the victim**
- **Manipulating**

Educating and Challenging Batterers

- **Demanding change**
- **Building empathy**
- **Focusing on responsibility to the victim and her children**
- **Collaborating with other systems**

Educating and Challenging Batterers

- **Firm, respectful confrontation**
- **Educational style**
- **Non-inflammatory**
- **Avoiding collusion**

CRITICAL FEEDBACK

- **Pointing out controlling behavior**
- **Pointing out entitled attitudes**
- **Taking the woman's side**
- **Speaking about the children's experience of him**
- **Questioning his stated motives / intentions**

CRITICAL FEEDBACK

- **Challenging his excuses and justifications**
- **Showing what respectful behavior would be**
- **Pointing out disrespect for his partner**
- **Challenging him about the effects he has had on his partner and children**
- **Asking him to meet his responsibilities**

PROCESS OF CHANGE

- **Full disclosure**
- **Acceptance of responsibility**
- **Relinquishing excuses**
- **Development of empathy**

PROCESS OF CHANGE

- **Identifying pattern of coercive control**
- **Identifying abusive attitudes**
- **Development of empathy for children**
- **Making amends**

PROCESS OF CHANGE

- **Developing respectful behaviors**
- **Accepting consequences of his actions**
- **Committing to lifelong change**

BATTERER PROFILE

Consistently true:

- **Skillfully dishonest**
- **Disrespectful, Superior, Depersonalizing**
- **Good early in relationship**
- **Externalizes responsibility**

BATTERER PROFILE

Consistently true:

- **Social isolation of the victim, and sometimes of the children as well)**
- **Mentality of ownership, often including severe possessiveness**

BATTERER PROFILE

Consistently true:

- **Denial**
- **Minimization**
- **Lack of empathy for victim**

BATTERER PROFILE

Consistently true:

- **Punishes, retaliates**
- **Batters serially**
- **Danger increases post separation**

AREAS OF CONTROL

- **Arguments and decision-making**
- **Child-rearing**
- **Her freedom of movement and association**
- **Labor**

AREAS OF CONTROL

- **Finances**
- **Sexuality**
- **Her freedom of speech and thought**
- **Her attention**

Contributing to Children's Recovery

- **Advocate for your clients' children**
 - **Assist mothers with custody and visitation litigation**
 - **Write effective reports for courts about the children**
 - **Offer information to mothers (partners of clients) about their children and how to assist them**
 - **Don't help clients to seek custody or visitation or to find attorneys**

Contributing to Children's Recovery

- **Advocate for your clients' children**
 - **Work with CPS on holding the abuser accountable and offering appropriate supportive assistance to the mother**
 - **Don't write reports for client's attorneys, or for the clients themselves – reports should always be addressed directly to the court**