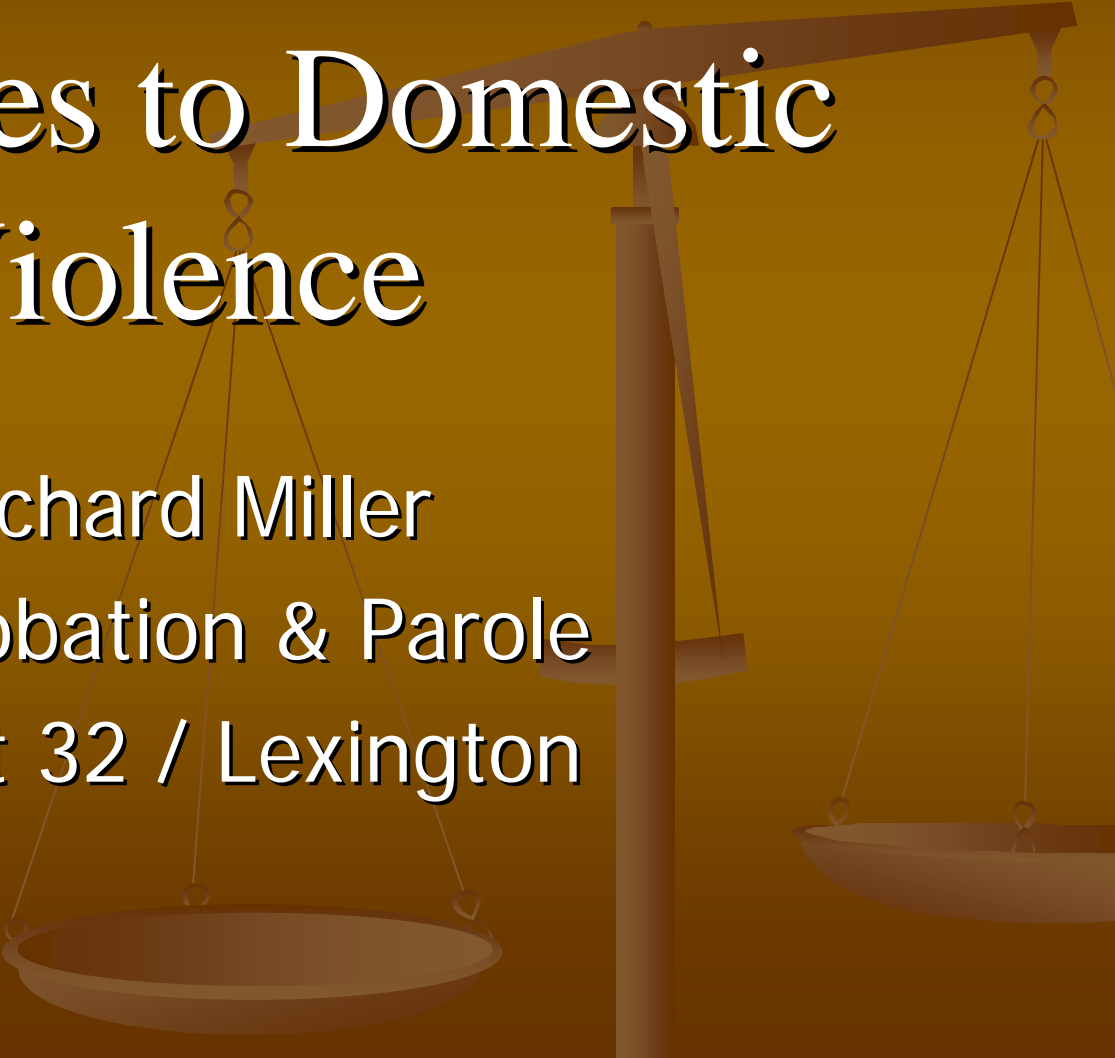
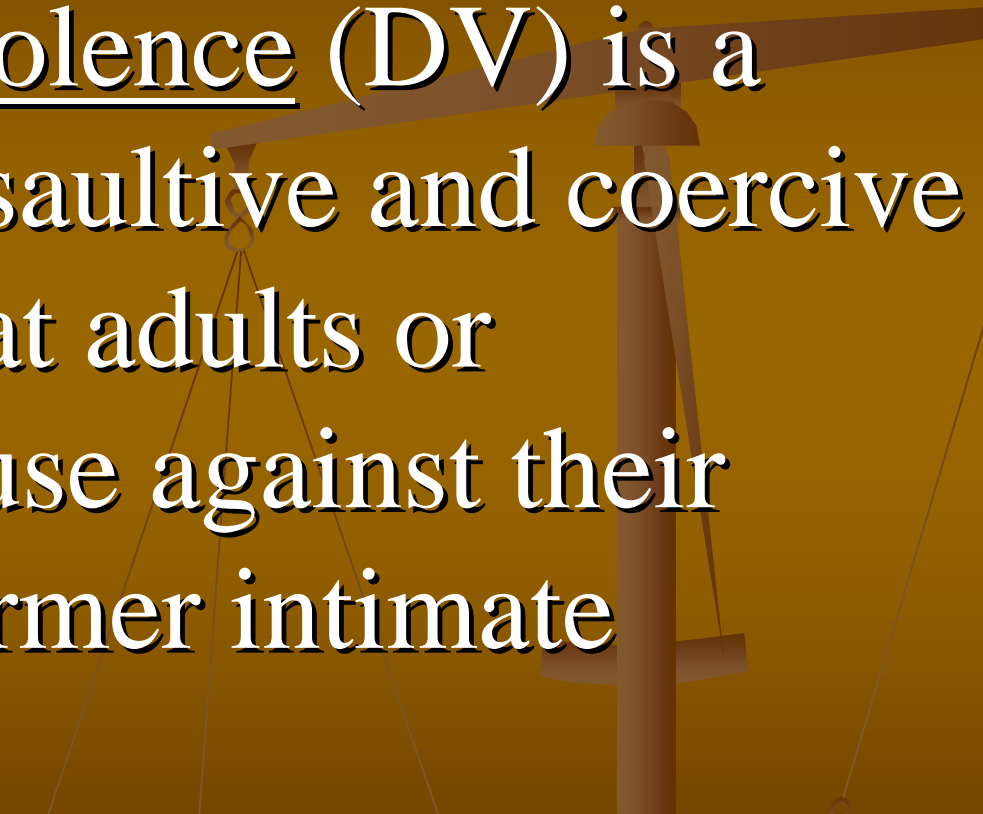


# Domestic Violence Courts and Collaborative Responses to Domestic Violence



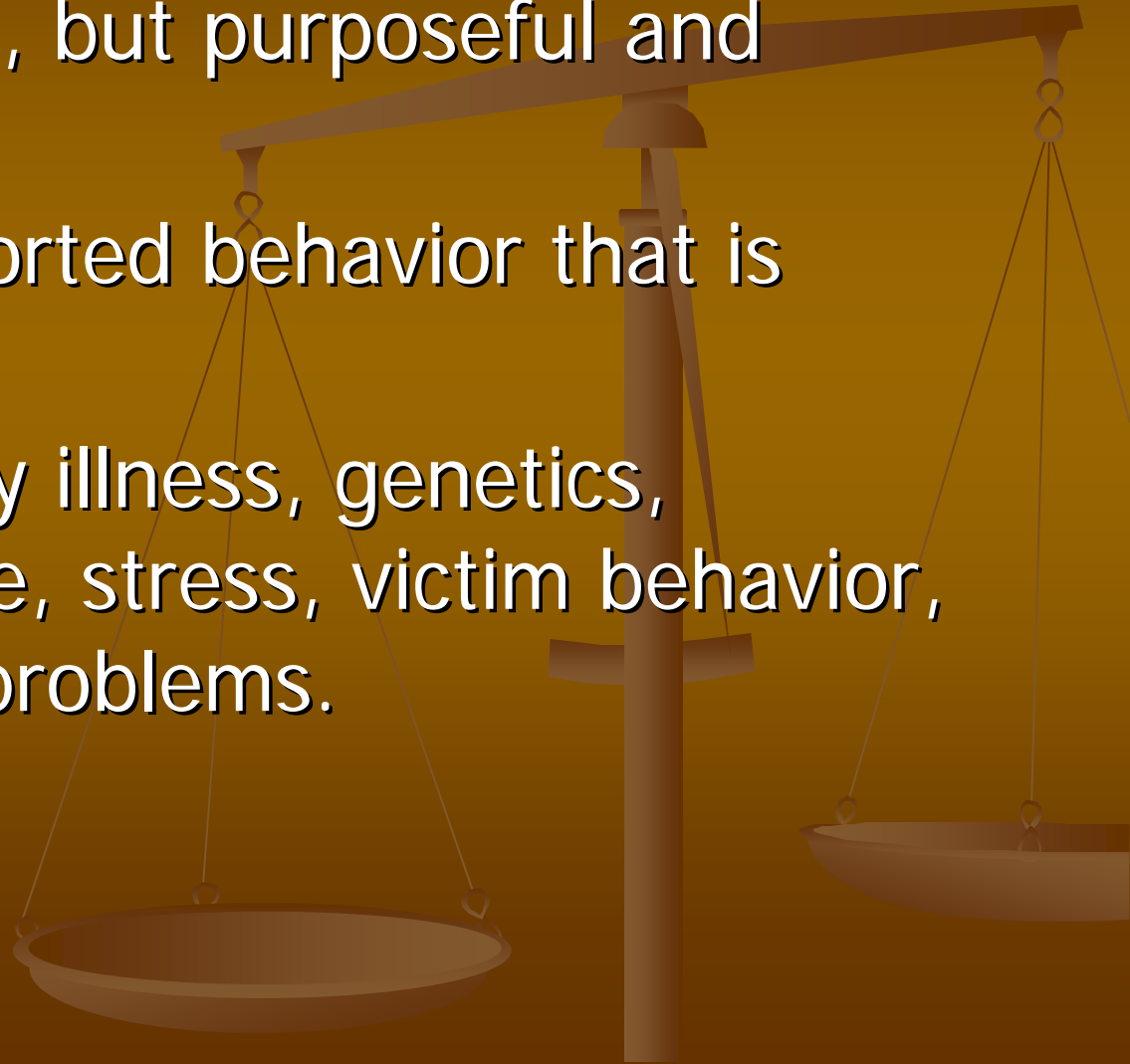
Richard Miller  
MO Probation & Parole  
District 32 / Lexington

# What is Domestic Violence?

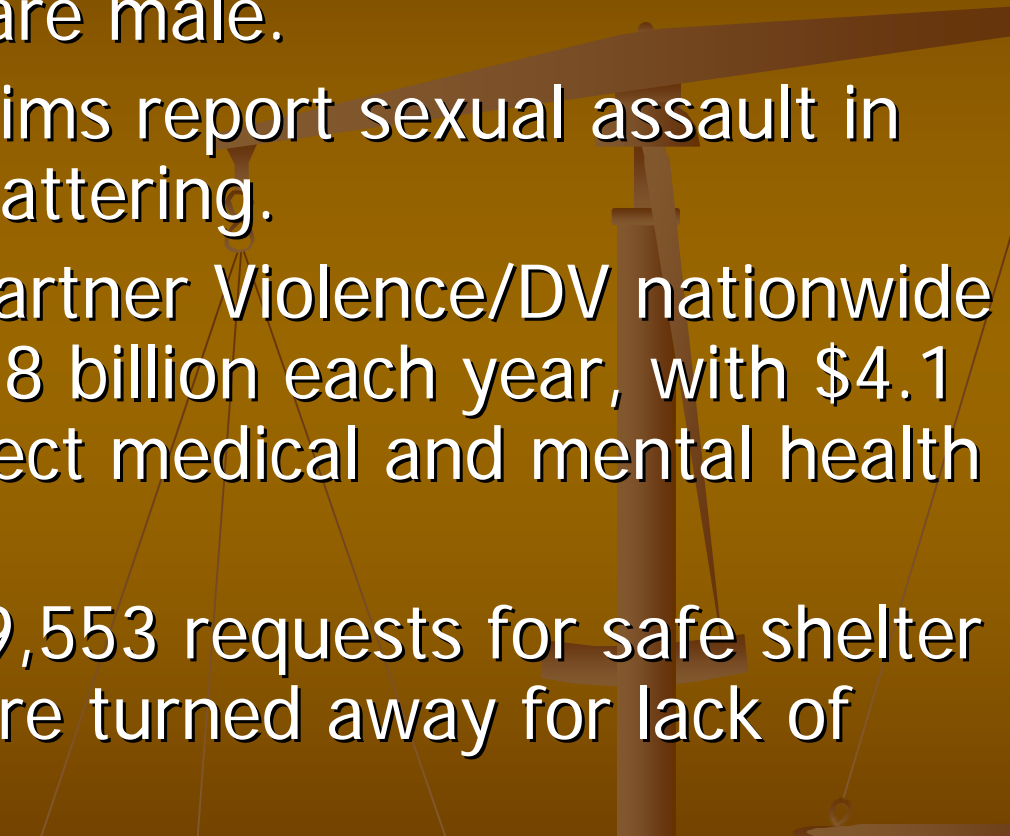
- Domestic Violence (DV) is a pattern of assaultive and coercive behaviors that adults or adolescents use against their current or former intimate partners.
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# Domestic Violence Concepts

- Is not impulsive, but purposeful and instrumental.
- Is socially supported behavior that is learned.
- Is not caused by illness, genetics, substance abuse, stress, victim behavior, or relationship problems.

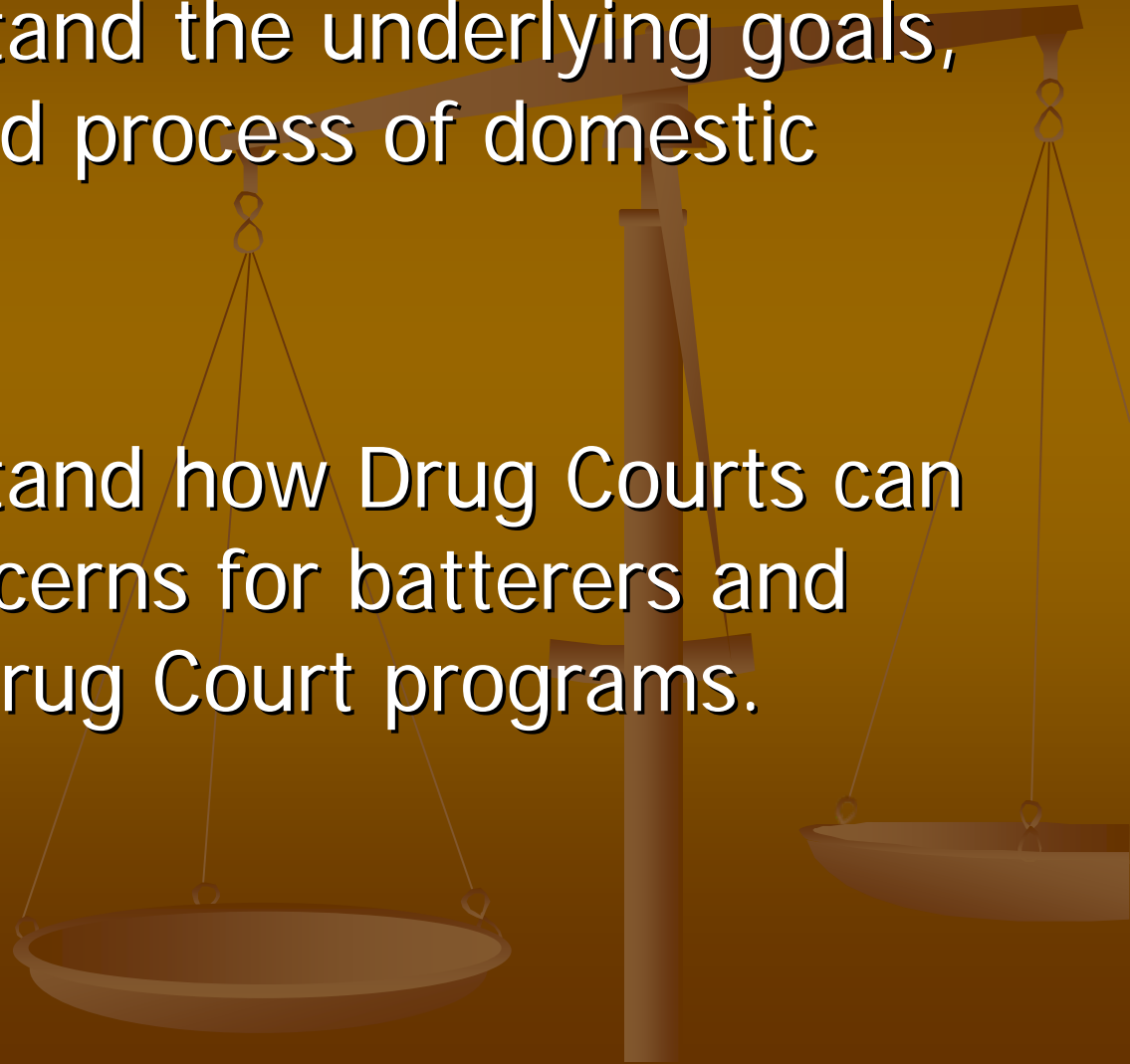


# Domestic Violence Statistics

- 85% of batterers are male.
  - 55-60% of DV victims report sexual assault in conjunction with battering.
  - Cost of Intimate Partner Violence/DV nationwide is estimated at \$5.8 billion each year, with \$4.1 billion used for direct medical and mental health services.
  - In MO – 2008 – 19,553 requests for safe shelter of which 9,089 were turned away for lack of space.
- 

# Learning Objectives

- You will understand the underlying goals, composition, and process of domestic violence courts.
- You will understand how Drug Courts can address DV concerns for batterers and victims within Drug Court programs.



# Domestic Violence Courts Goals



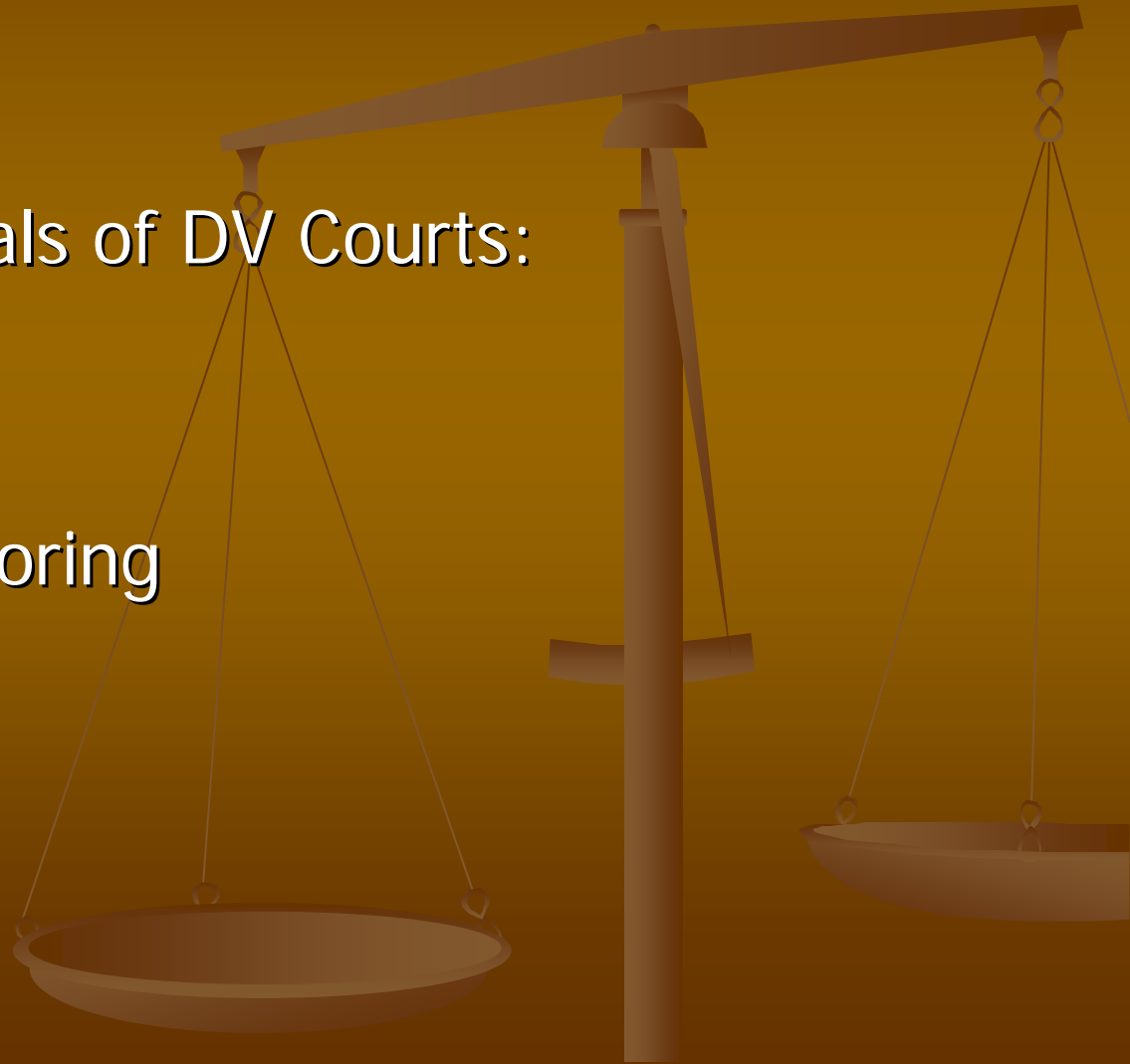
# Domestic Violence Courts - Goals



- DV Courts exist because the Criminal Justice System desires to create a systemic intervention for DV in their communities.
- DV Courts can be privately or publically funded – typically through grants.
- Judges and Prosecutors are critical stakeholders in establishing a DV Court, and will likely be your initiative leaders.
- The #1 priorities for all DV Courts are: VICTIM SAFETY AND BATTERER ACCOUNTABILITY.
- DV Courts are not therapeutic in nature. They are compliance-based, and are interested in instigating behavioral change within the context of victim safety!

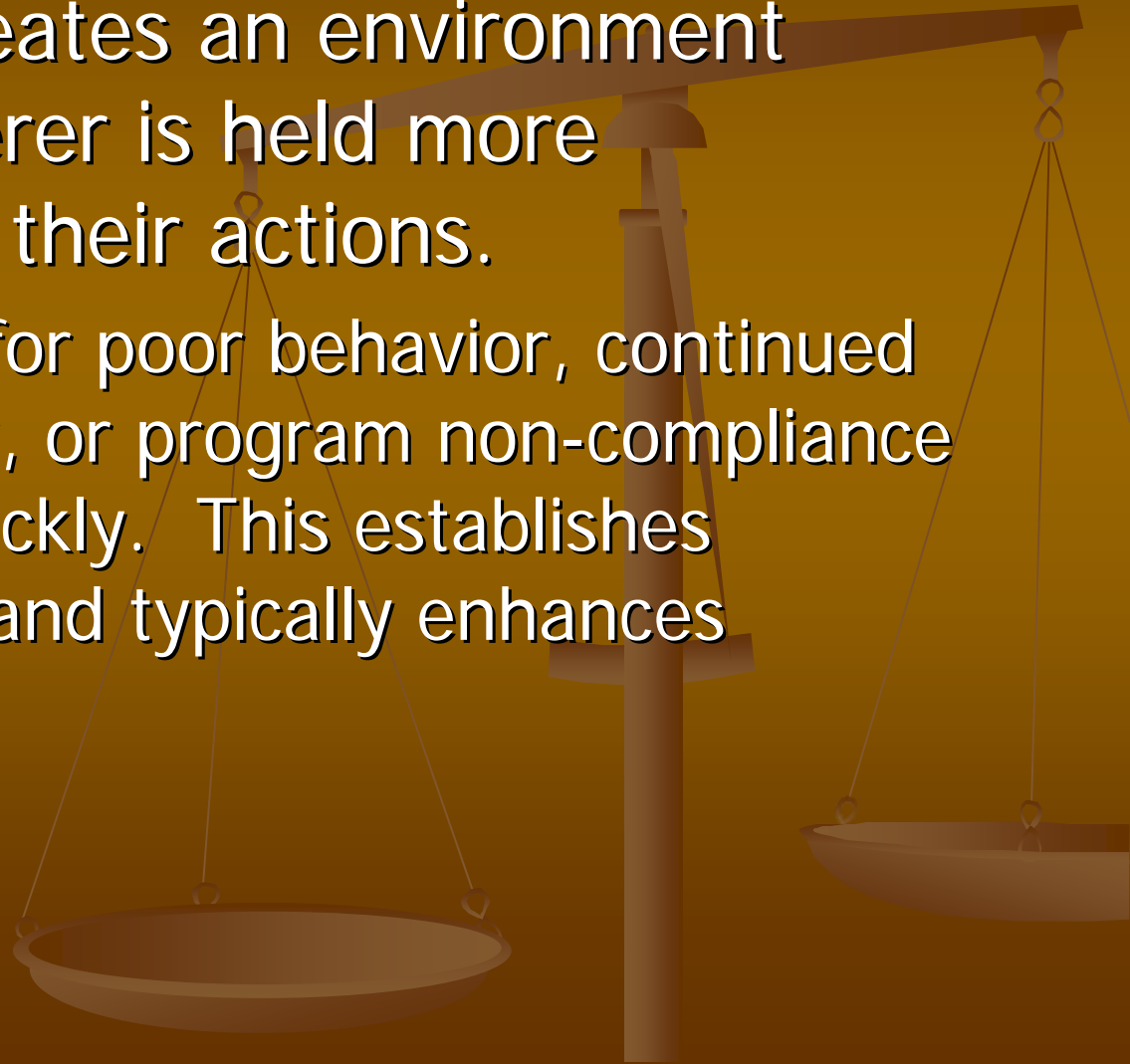
# Domestic Violence Courts - Goals

- The 3 Primary Goals of DV Courts:
  - Immediacy
  - Coordination
  - Intensive Monitoring

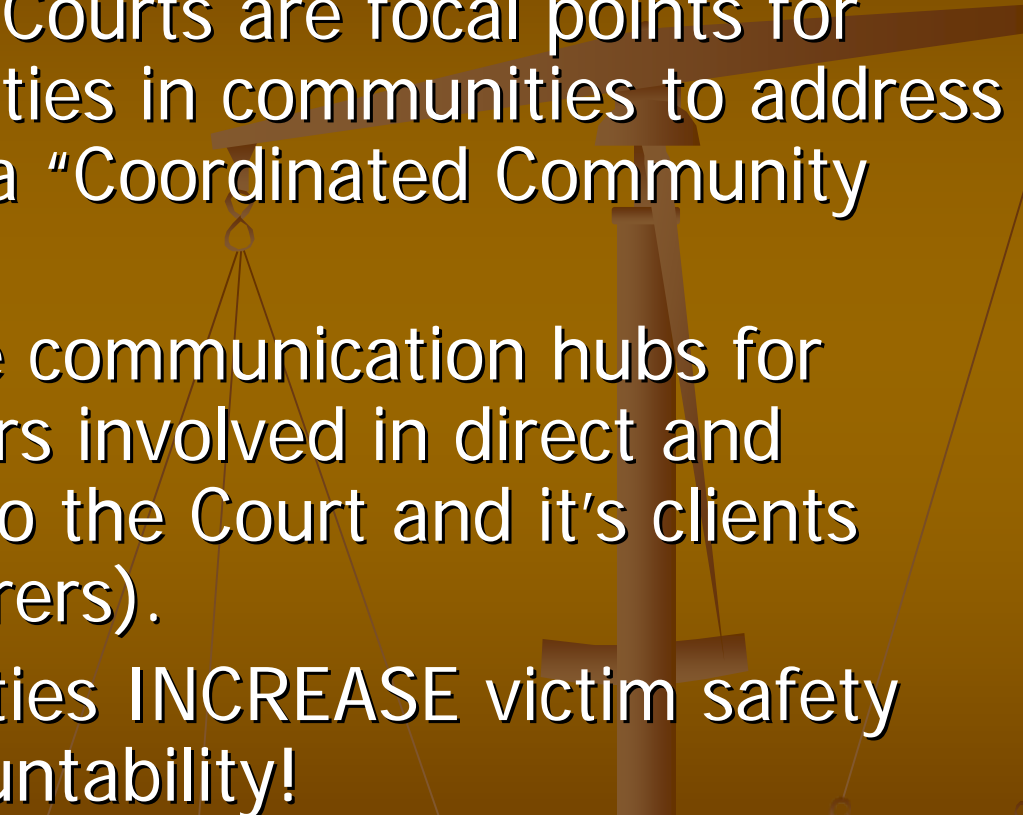


# Domestic Violence Courts - Goals

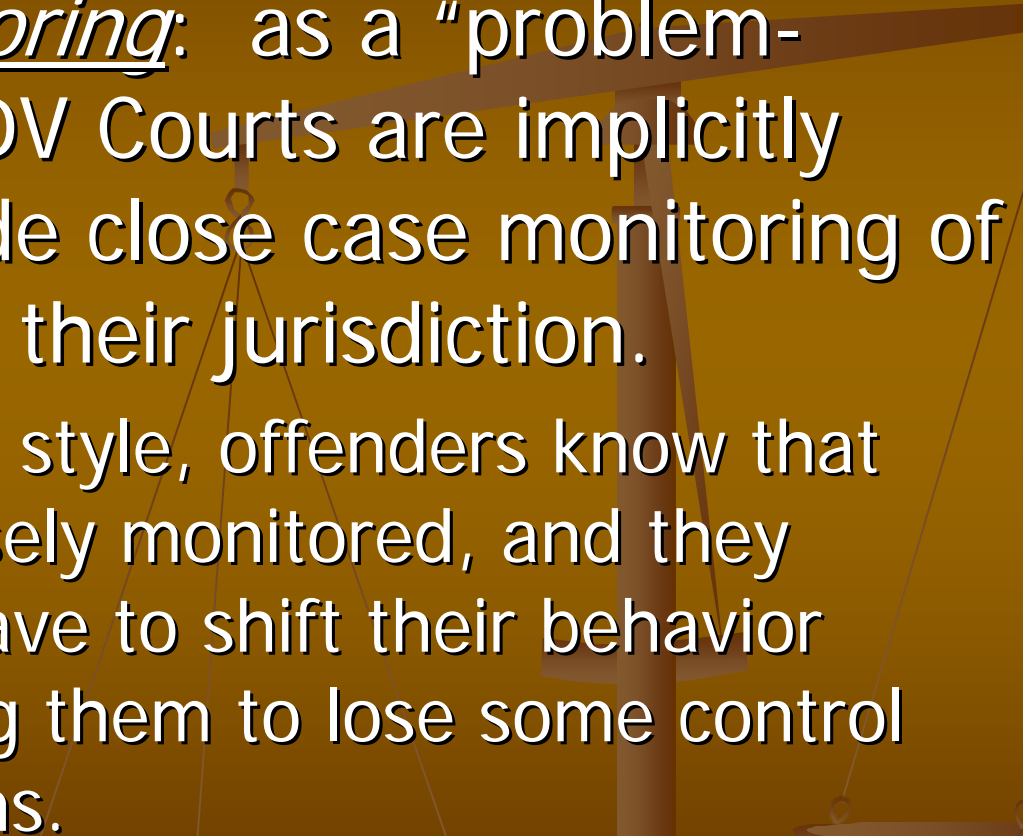
- Immediacy: creates an environment where the batterer is held more accountable for their actions.
  - Consequences for poor behavior, continued criminal activity, or program non-compliance are handled quickly. This establishes accountability, and typically enhances compliance.



# Domestic Violence Courts - Goals

- Coordination: DV Courts are focal points for collaborative activities in communities to address DV, typical called a "Coordinated Community Response (CCR)."
  - DV Courts become communication hubs for community partners involved in direct and ancillary services to the Court and it's clients (victims and batterers).
  - Coordinated activities INCREASE victim safety and batterer accountability!
- 

# Domestic Violence Courts - Goals

- *Intensive Monitoring*: as a “problem-solving” court, DV Courts are implicitly geared to provide close case monitoring of offenders under their jurisdiction.
    - By virtue of this style, offenders know that they will be closely monitored, and they subsequently have to shift their behavior patterns causing them to lose some control over their victims.
- 

# Domestic Violence Courts Composition



# Domestic Violence Courts - Composition

- Composition of DV Courts is divided into two categories:
  - Direct Service Providers
  - Ancillary/Support Service Providers

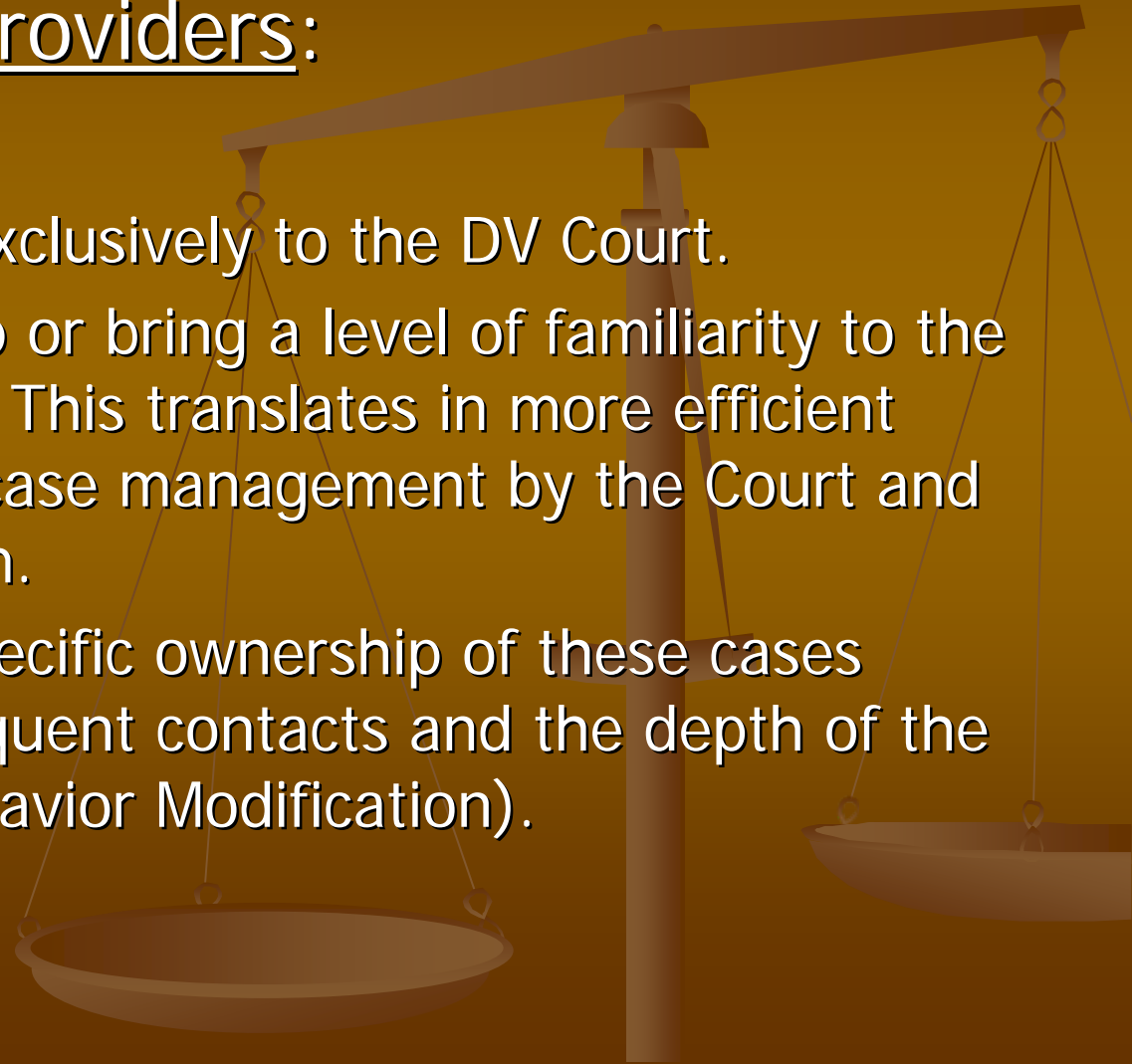


# Domestic Violence Courts - Composition

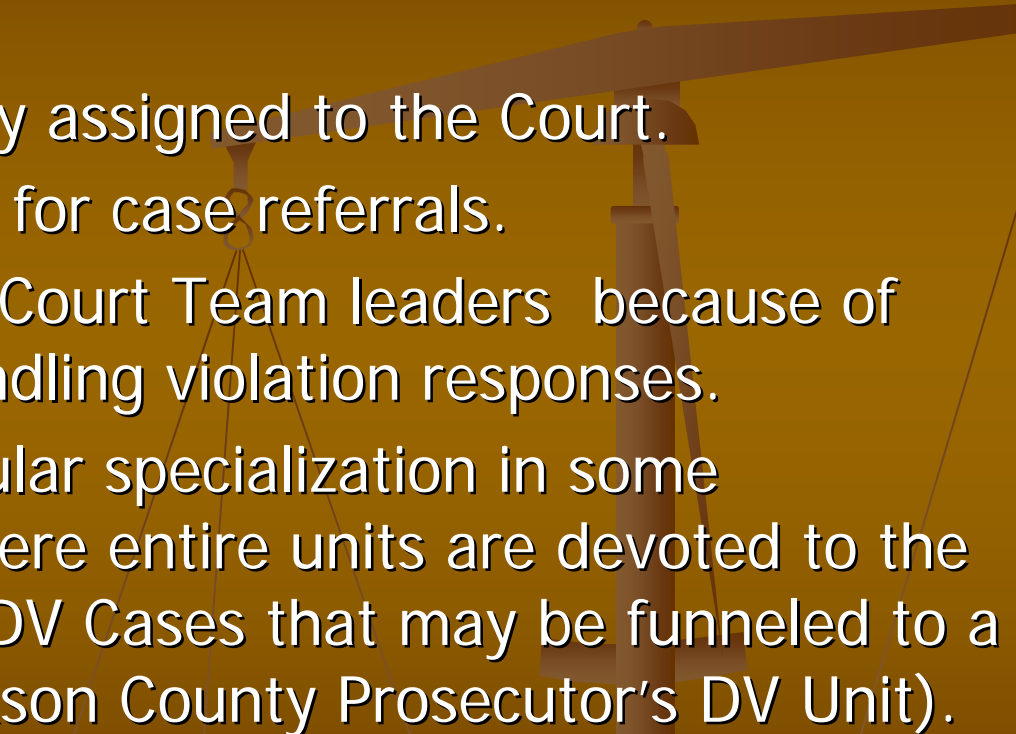
## ■ Direct Service Providers:

### ■ Judges:

- Are assigned exclusively to the DV Court.
- Judges develop or bring a level of familiarity to the court process. This translates in more efficient and thorough case management by the Court and the Court Team.
- Judges take specific ownership of these cases because of frequent contacts and the depth of the contacts. (Behavior Modification).

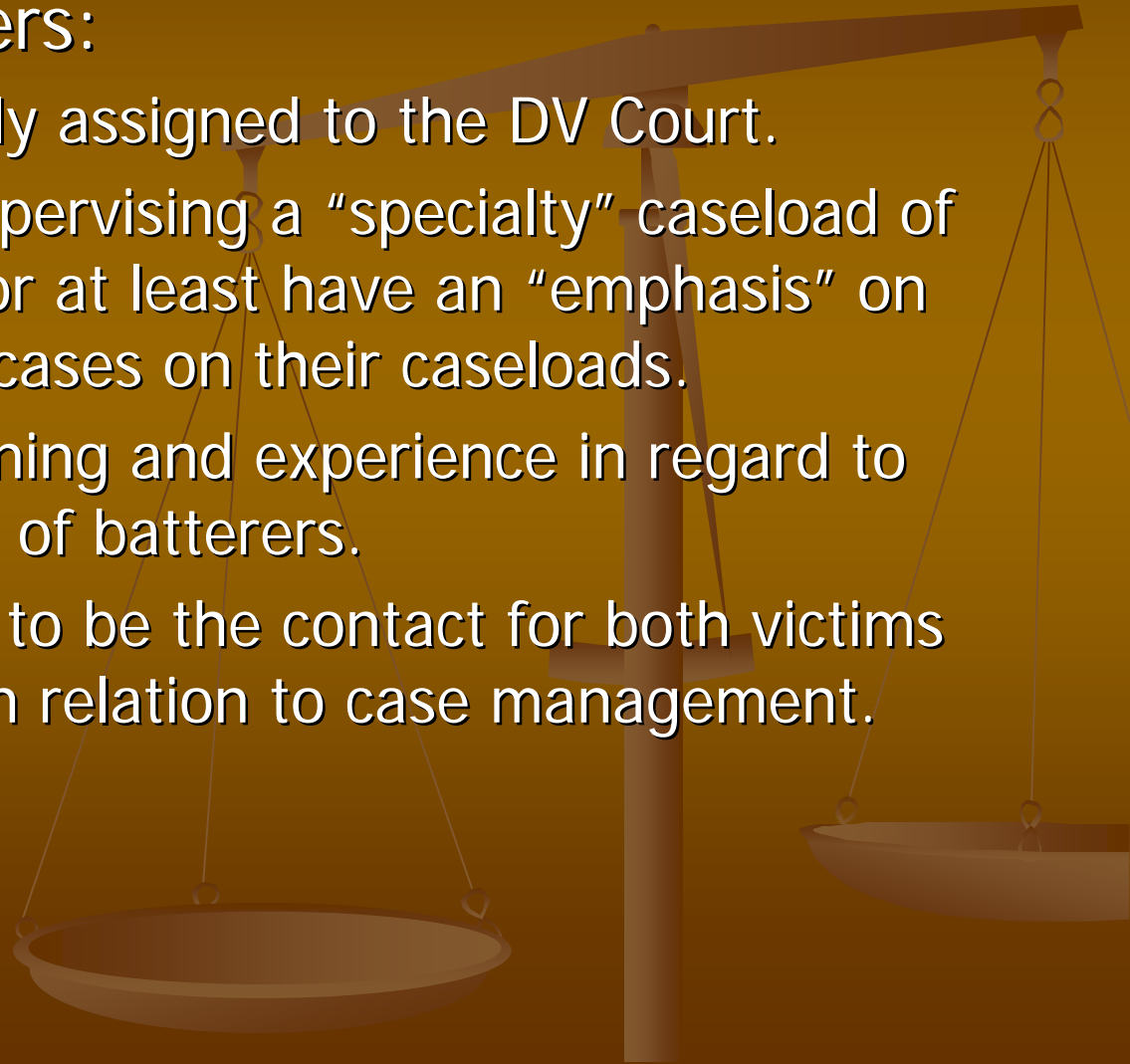


# Domestic Violence Courts - Composition

- Prosecutors:
    - Are permanently assigned to the Court.
    - Are responsible for case referrals.
    - Tend to be the Court Team leaders because of their role in handling violation responses.
    - Obtain a particular specialization in some jurisdictions where entire units are devoted to the prosecution of DV Cases that may be funneled to a DV Court. (Jackson County Prosecutor's DV Unit).
- 

# Domestic Violence Courts - Composition

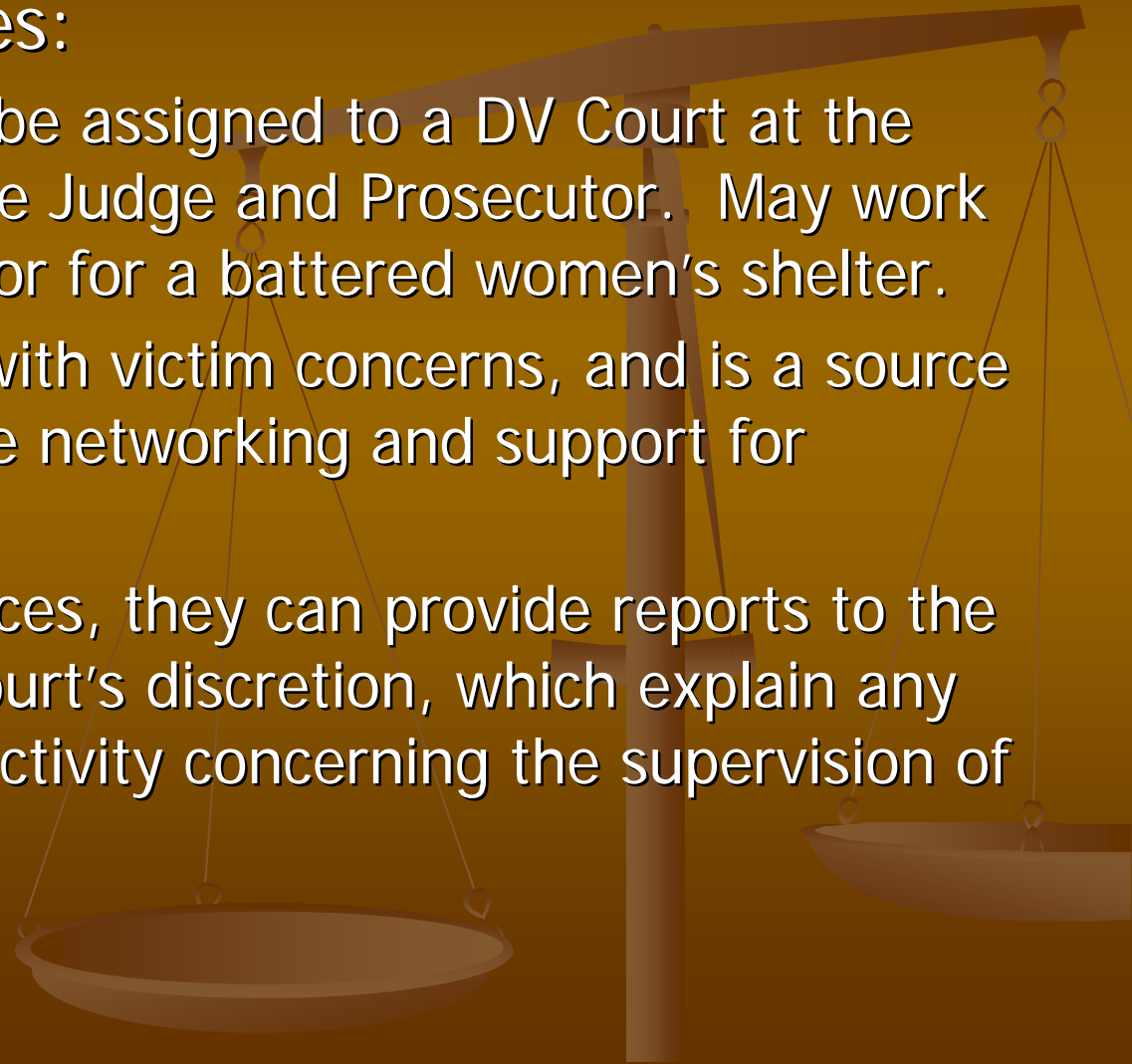
- Probation Officers:
  - Are permanently assigned to the DV Court.
  - Are typically supervising a “specialty” caseload of DV offenders, or at least have an “emphasis” on these types of cases on their caseloads.
  - Have extra training and experience in regard to the supervision of batterers.
  - Is in a position to be the contact for both victims and batterers in relation to case management.



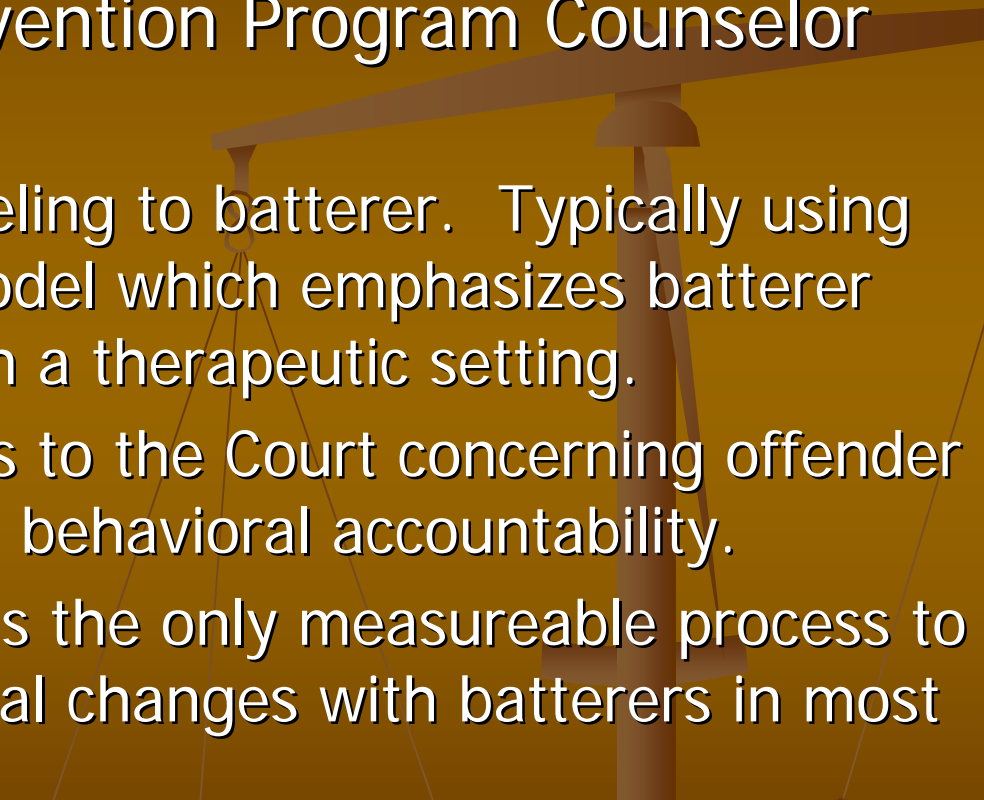
# Domestic Violence Courts - Composition

## ■ Victim Advocates:

- Can optionally be assigned to a DV Court at the discretion of the Judge and Prosecutor. May work for Prosecutor or for a battered women's shelter.
- Deals directly with victim concerns, and is a source of social service networking and support for victims.
- In some instances, they can provide reports to the Court at the Court's discretion, which explain any relevant case activity concerning the supervision of the batterer.

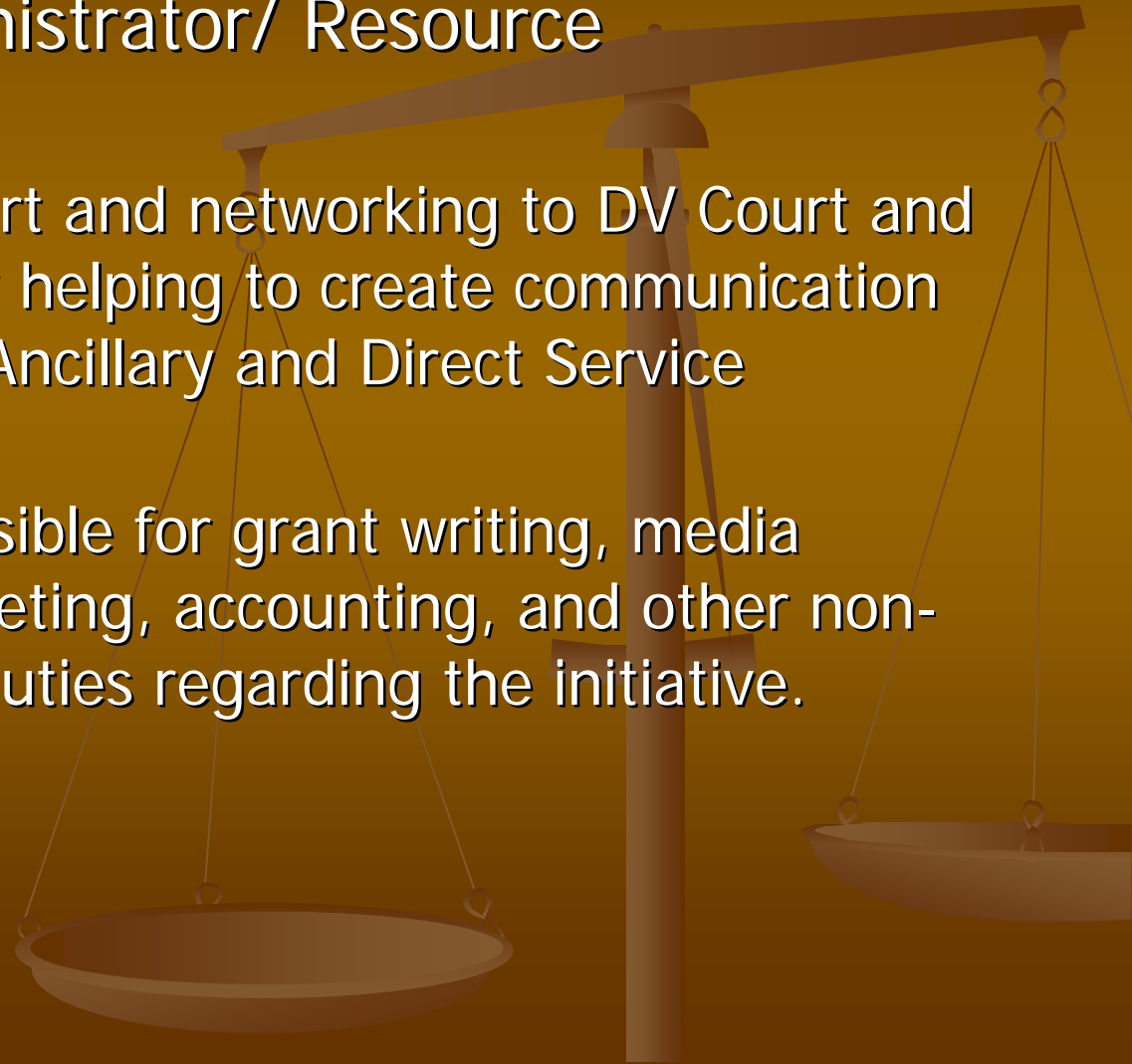


# Domestic Violence Courts - Composition

- Batterer's Intervention Program Counselor (BIP):
    - Provides counseling to batterer. Typically using the "Duluth" Model which emphasizes batterer accountability in a therapeutic setting.
    - Provides reports to the Court concerning offender compliance and behavioral accountability.
    - To date, a BIP is the only measureable process to detect behavioral changes with batterers in most instances.
- 

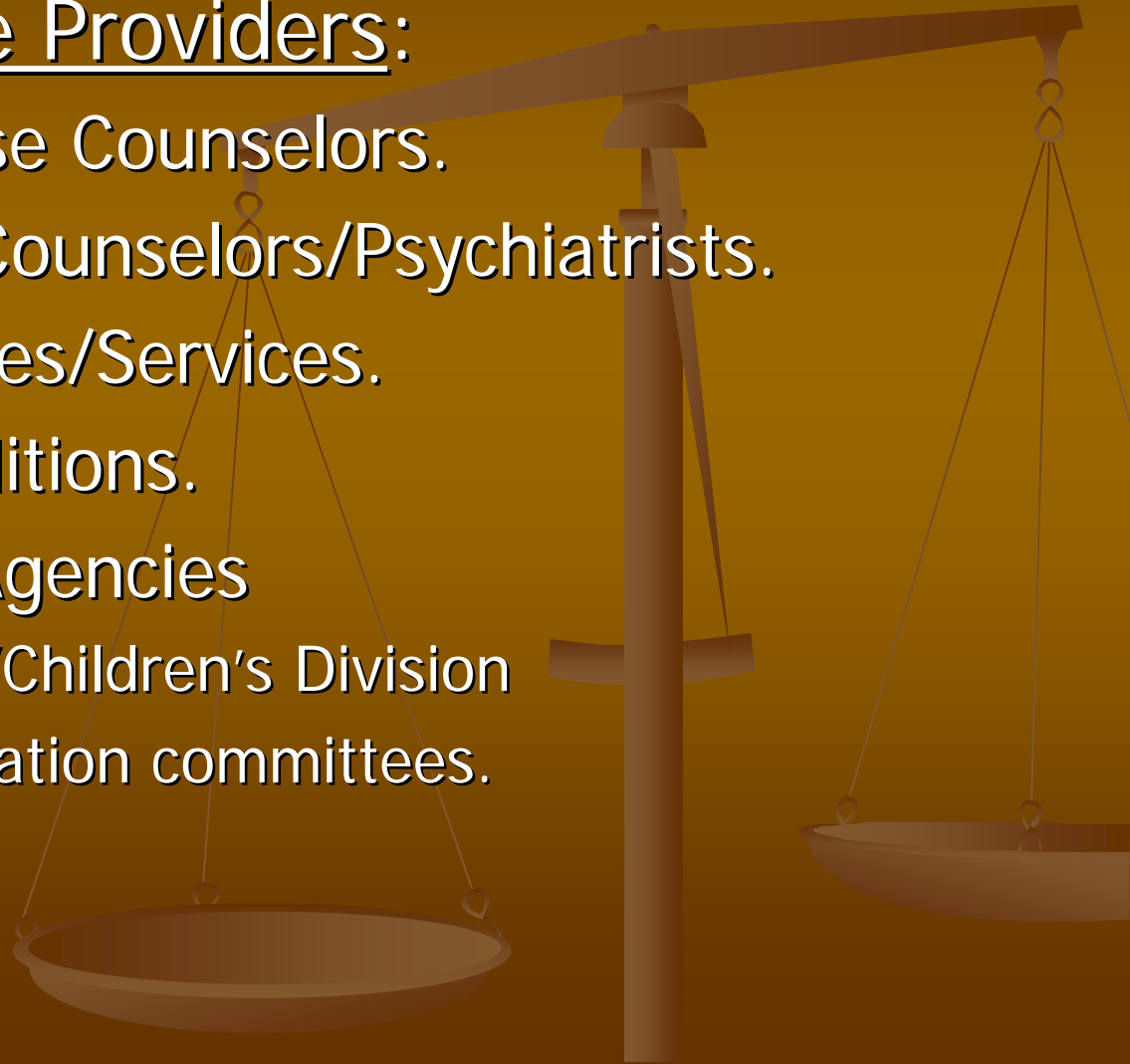
# Domestic Violence Courts - Composition

- DV Court Administrator/ Resource Coordinators:
  - Provides support and networking to DV Court and related staff by helping to create communication links between Ancillary and Direct Service Providers.
  - May be responsible for grant writing, media relations, marketing, accounting, and other non-direct service duties regarding the initiative.



# Domestic Violence Courts - Composition

- Ancillary Service Providers:
  - Substance Abuse Counselors.
  - Mental Health Counselors/Psychiatrists.
  - Housing Agencies/Services.
  - Healthcare Coalitions.
  - Social Service Agencies
    - Missouri: DSS/Children's Division
    - Local transportation committees.

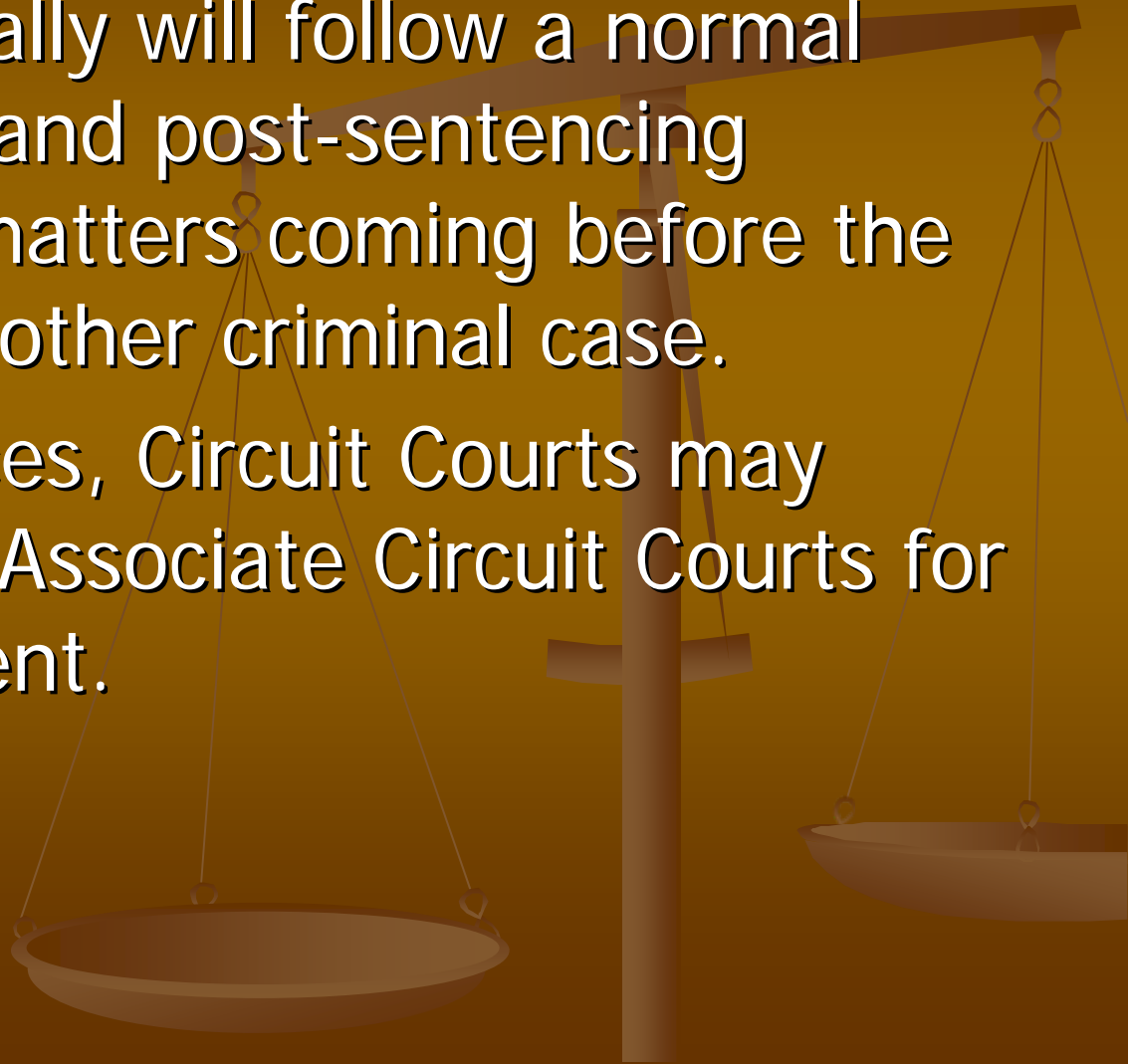


# Domestic Violence Courts Process



# Domestic Violence Courts - Process

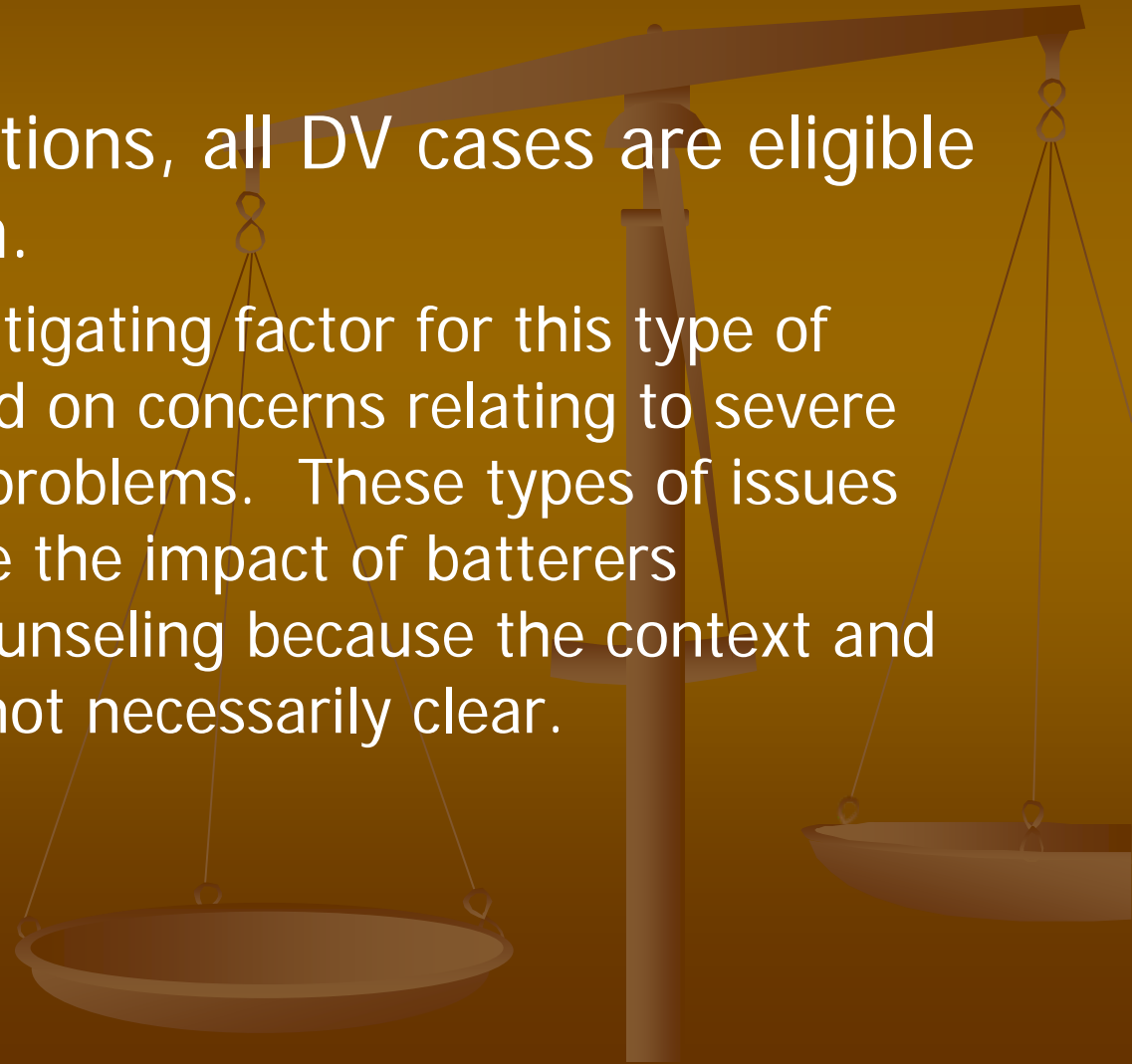
- DV Courts typically will follow a normal pre-sentencing and post-sentencing process for all matters coming before the Court as in any other criminal case.
- In some instances, Circuit Courts may assign cases to Associate Circuit Courts for case management.



# Domestic Violence Courts - Process

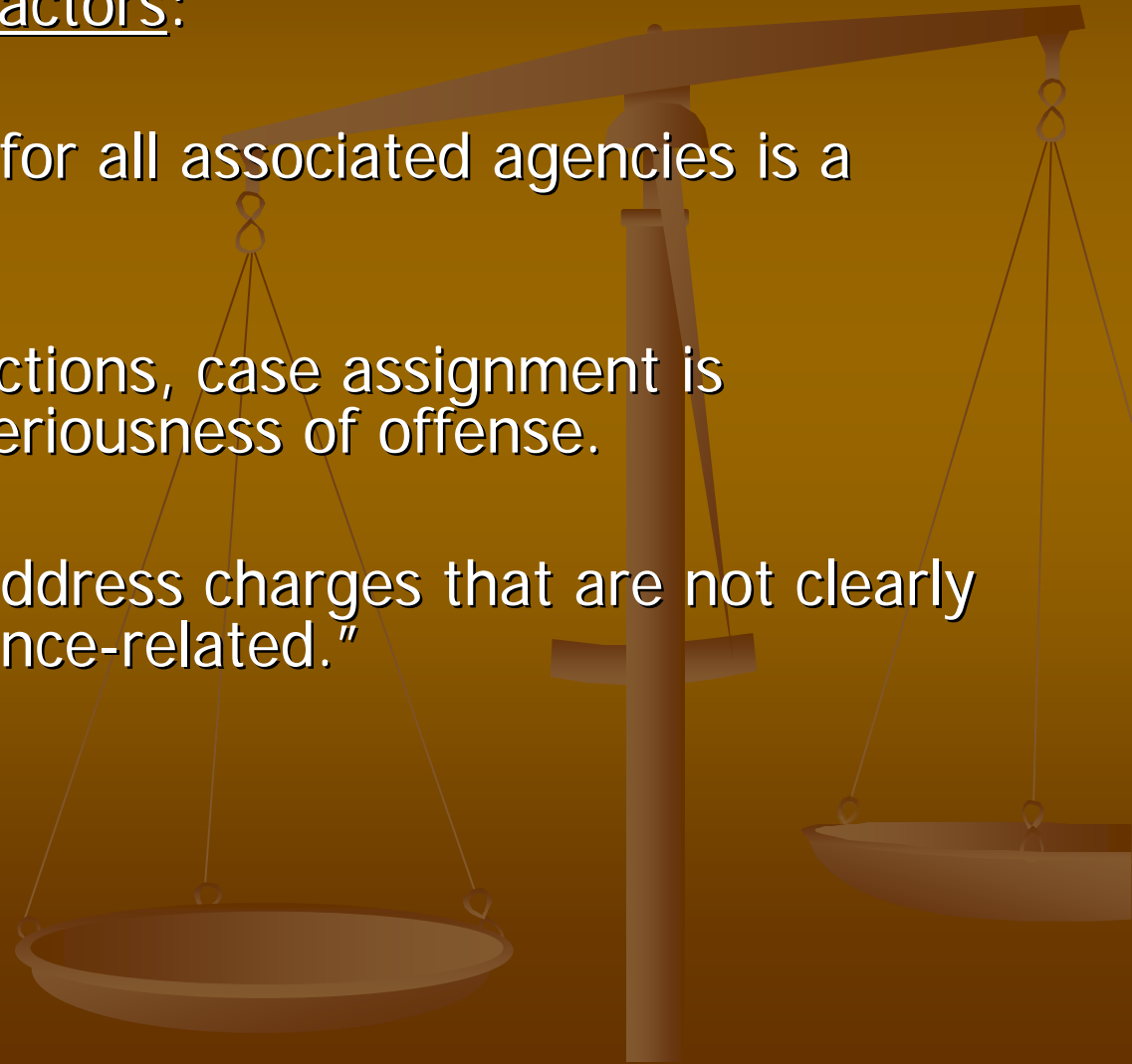
## ■ Assignment:

- In most jurisdictions, all DV cases are eligible for participation.
  - The primary mitigating factor for this type of referral is based on concerns relating to severe mental health problems. These types of issues tend to devalue the impact of batterers intervention counseling because the context and meanings are not necessarily clear.



# Domestic Violence Courts - Process

- Other Mitigating Factors:
  - Caseload sizes for all associated agencies is a factor.
  - In some jurisdictions, case assignment is prioritized by seriousness of offense.
  - DV Court can address charges that are not clearly "domestic violence-related."

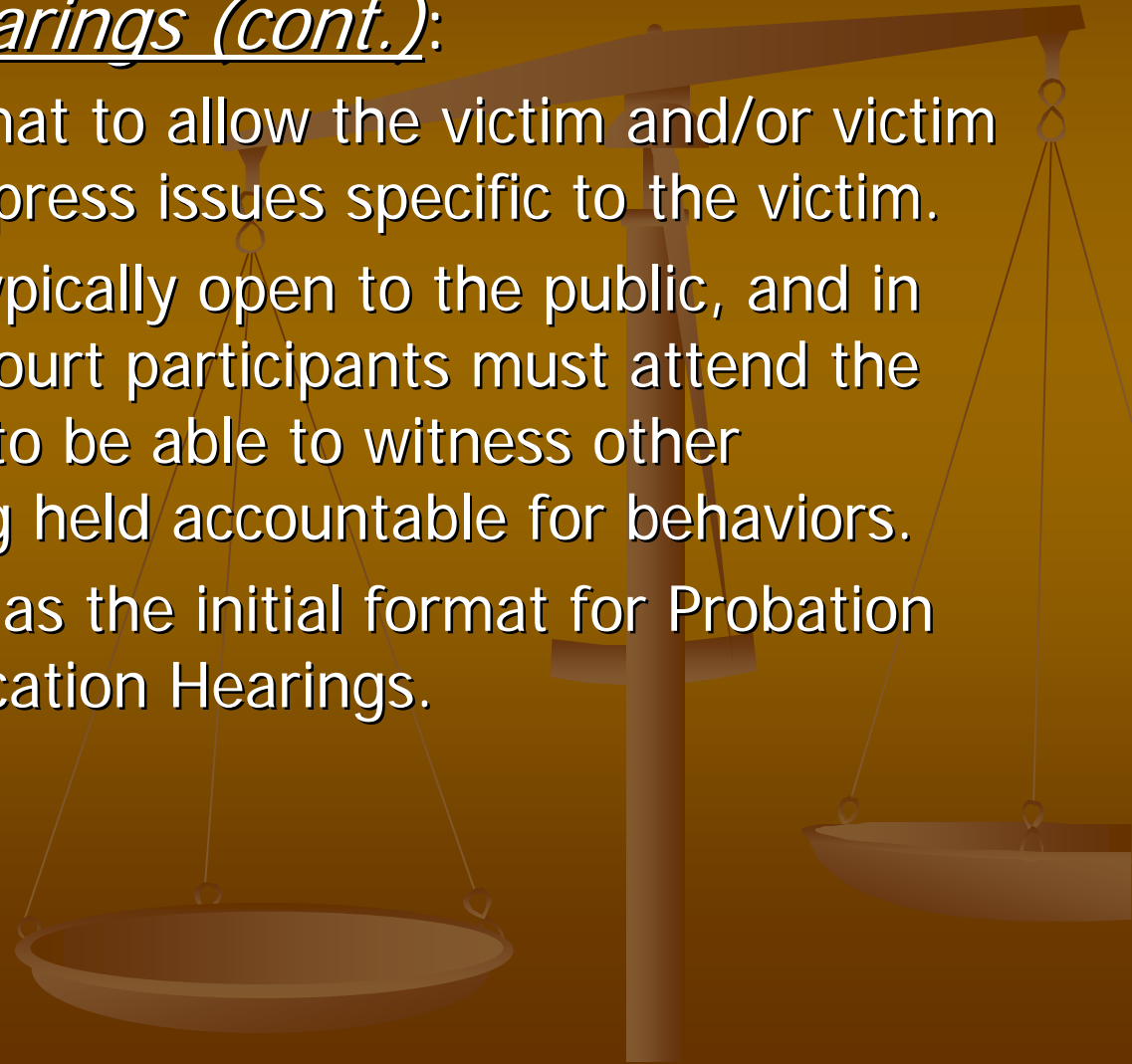


# Domestic Violence Courts - Process

- Judicial Monitoring/Case Management:
  - *Compliance Hearings:*
    - The primary purpose of these hearings is to enhance victim safety and offender accountability!
    - Are held on set dates on a routine basis as directed by the court (weekly, monthly, etc.).
    - Provides a format to review the batterers behaviors, progress towards special conditions of probation, and any other “behavioral” issues the Court Team wishes to address.

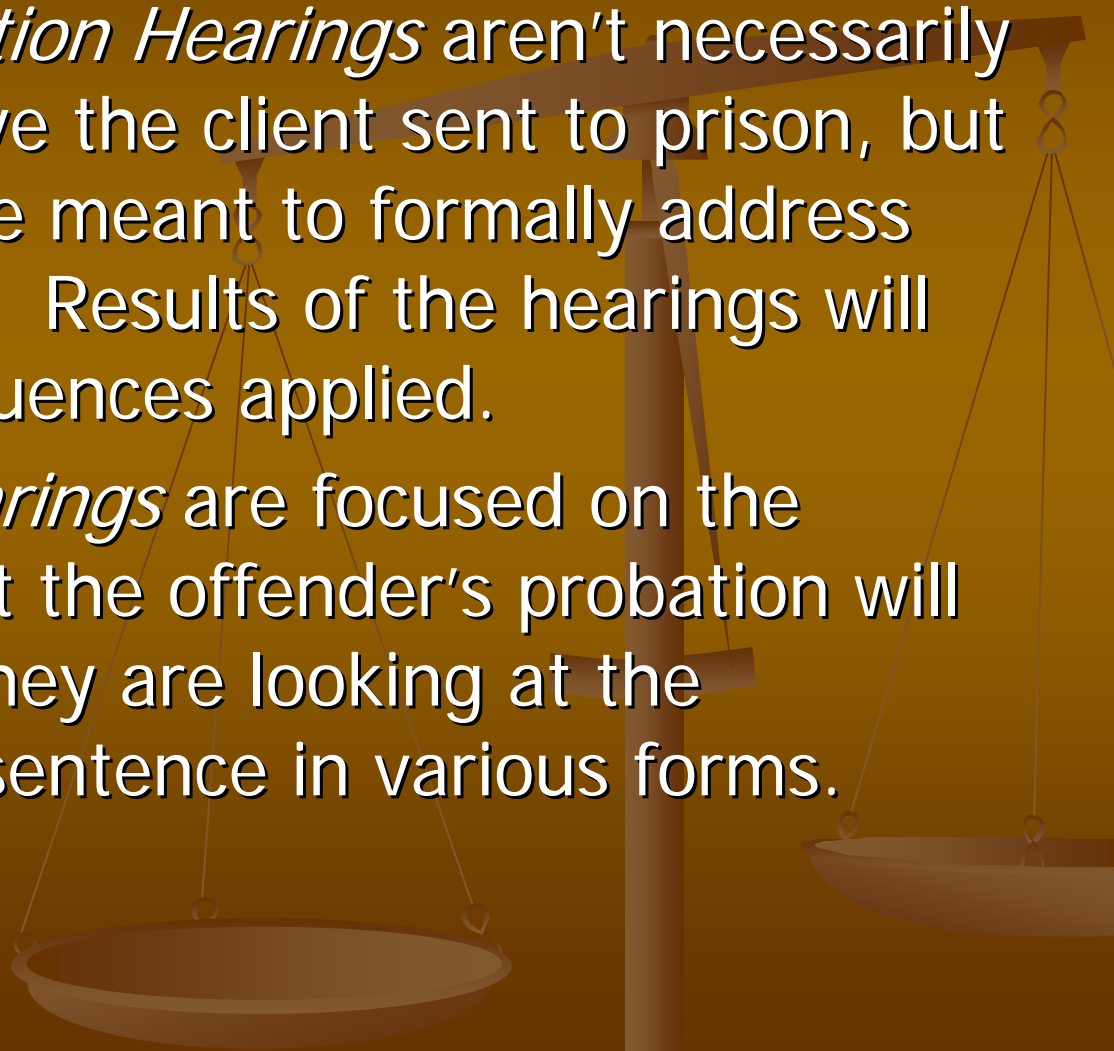
# Domestic Violence Courts - Process

- *Compliance Hearings (cont.)*
  - Provides a format to allow the victim and/or victim advocate to express issues specific to the victim.
  - Hearings are typically open to the public, and in many cases, court participants must attend the entire hearing to be able to witness other offenders being held accountable for behaviors.
  - Can also serve as the initial format for Probation Violation/Revocation Hearings.



# Domestic Violence Courts - Process

- *Probation Violation Hearings* aren't necessarily designed to have the client sent to prison, but rather, they are meant to formally address poor behaviors. Results of the hearings will vary on consequences applied.
- *Revocation Hearings* are focused on the assumption that the offender's probation will end, and that they are looking at the execution of a sentence in various forms.

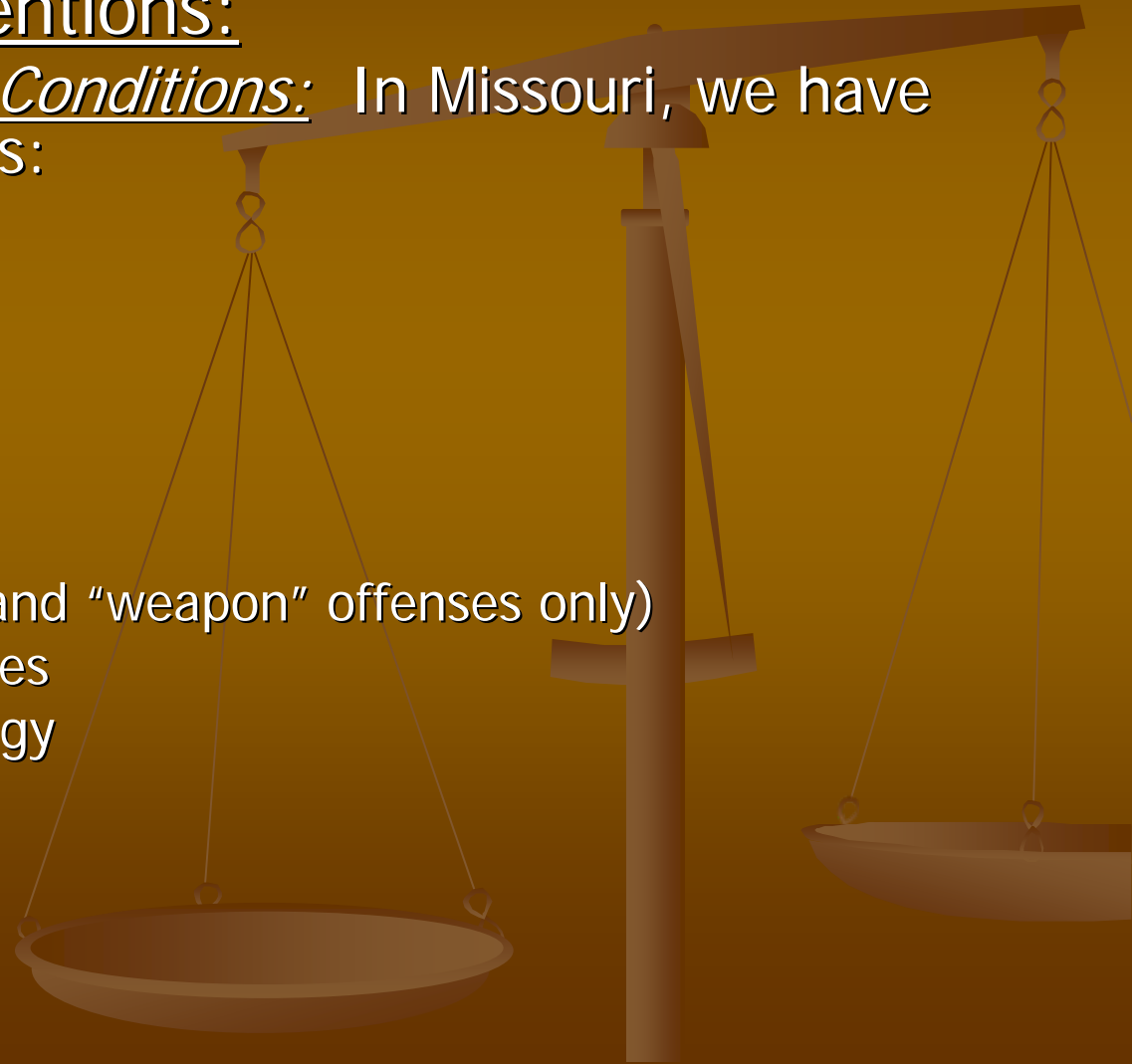


# Domestic Violence Courts - Process

## ■ Conditions/Interventions:

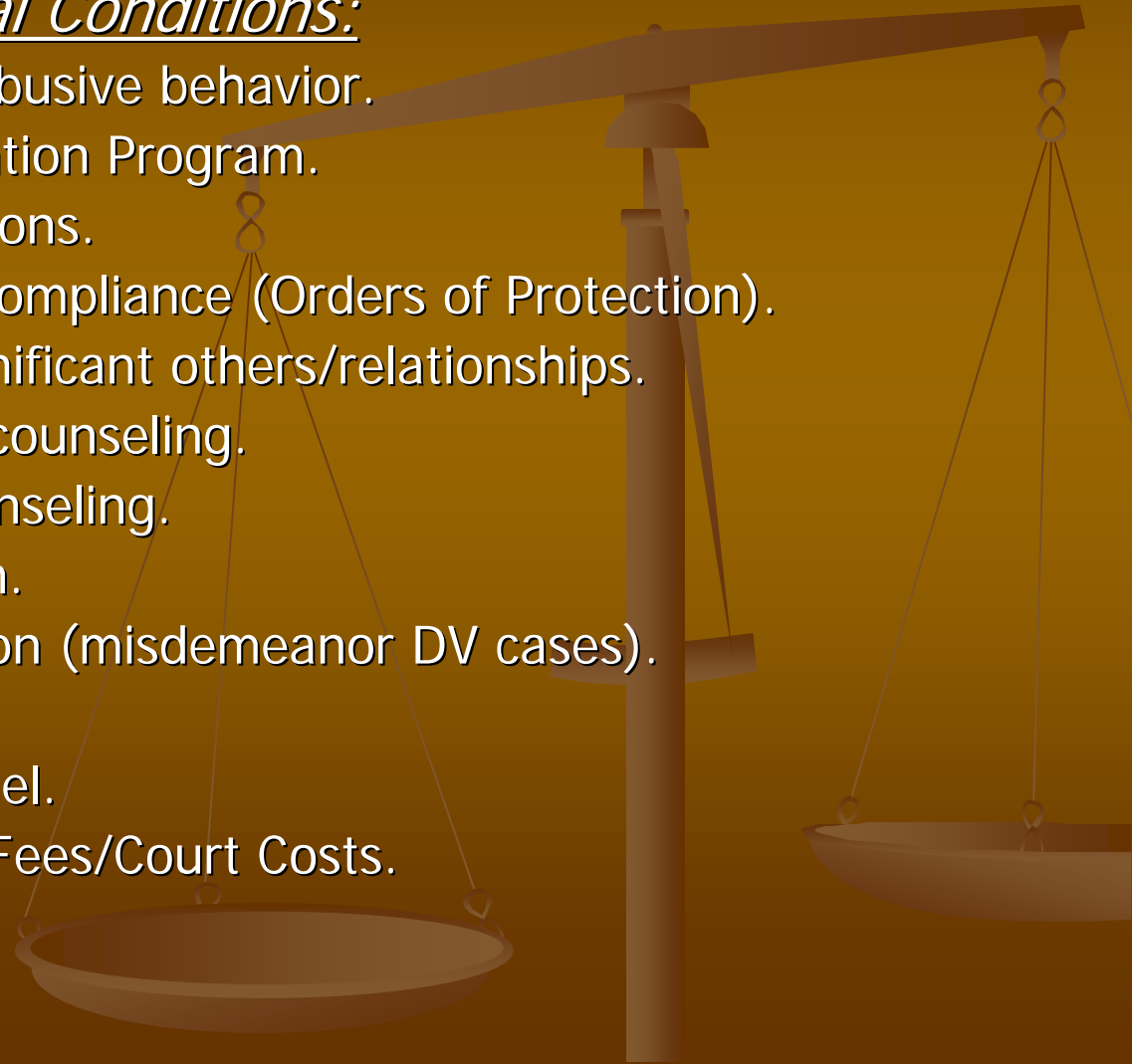
■ *Probation Special Conditions:* In Missouri, we have 10 basic conditions:

- Laws
- Travel
- Residence
- Employment
- Association
- Drugs
- Weapons (felons and "weapon" offenses only)
- Reporting/Directives
- Supervision Strategy
- Intervention Fees

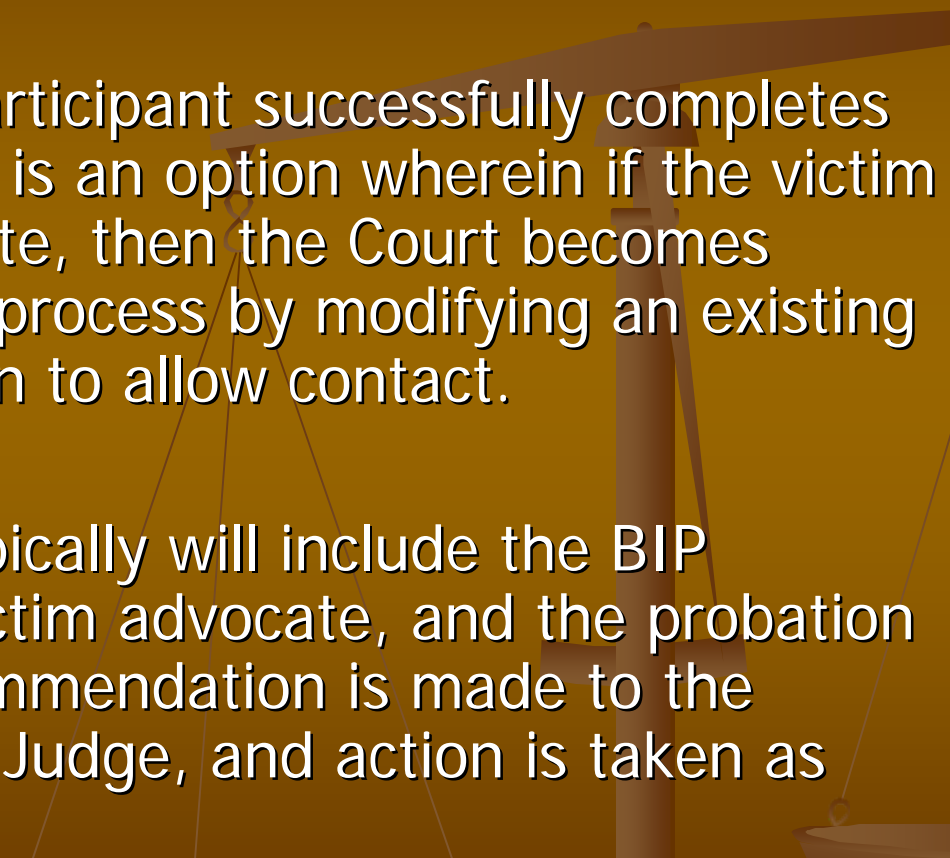


# Domestic Violence Courts - Process

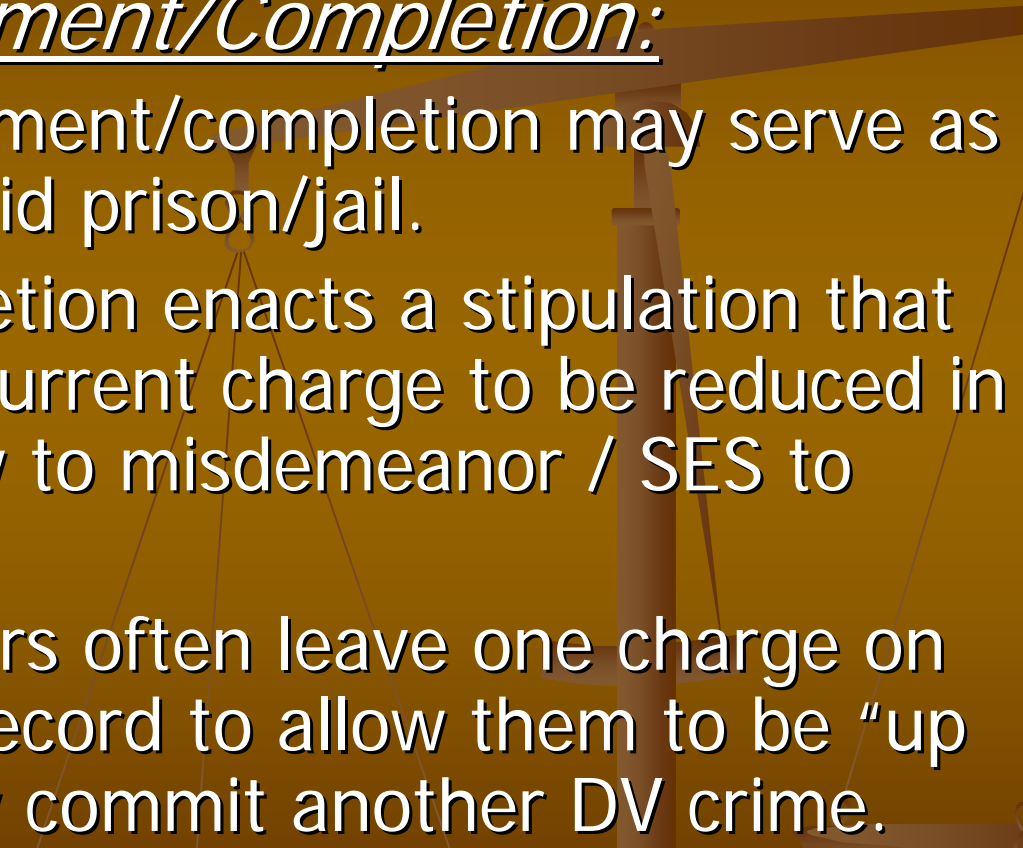
- *DV-Related Special Conditions:*
  - No assaultive or abusive behavior.
  - Batterers Intervention Program.
  - No contact conditions.
  - Civil Court order compliance (Orders of Protection).
  - Notification of significant others/relationships.
  - Substance abuse counseling.
  - Mental health counseling.
  - Alcohol Prohibition.
  - Firearms Prohibition (misdemeanor DV cases).
  - EMP/GPS/SCRAM
  - Victim Impact Panel.
  - Restitution/Fines/Fees/Court Costs.



# Domestic Violence Courts - Process

- Reconciliation:
    - After a court participant successfully completes their BIP, there is an option wherein if the victim desires to reunite, then the Court becomes involved in the process by modifying an existing special condition to allow contact.
    - The process typically will include the BIP Counselor, a victim advocate, and the probation officer. A recommendation is made to the Prosecutor and Judge, and action is taken as required.
- 

# Domestic Violence Courts - Process

- *Program Assignment/Completion:*
    - Program assignment/completion may serve as a reward to avoid prison/jail.
    - Program completion enacts a stipulation that may allow the current charge to be reduced in severity. (felony to misdemeanor / SES to SIS).
    - Many prosecutors often leave one charge on the offender's record to allow them to be "up charged" if they commit another DV crime.
- 

# Drug Courts and DV Offenders



# Drug Courts and DV Offenders

- Drug Courts often function in a similar manner as a DV Courts, and in some instances, DV offenders are placed in Drug Courts to address substance abuse problems if it's perceived that prior offense histories are less "severe." Do not underestimate what you see...all levels of DV are "severe."
- While Drug Courts operate from a therapeutic perspective, DV offenders may find their way into these programs, and as we've seen, a substantial share of their problems may not be concurrently addressed.

# Drug Courts and DV Offenders

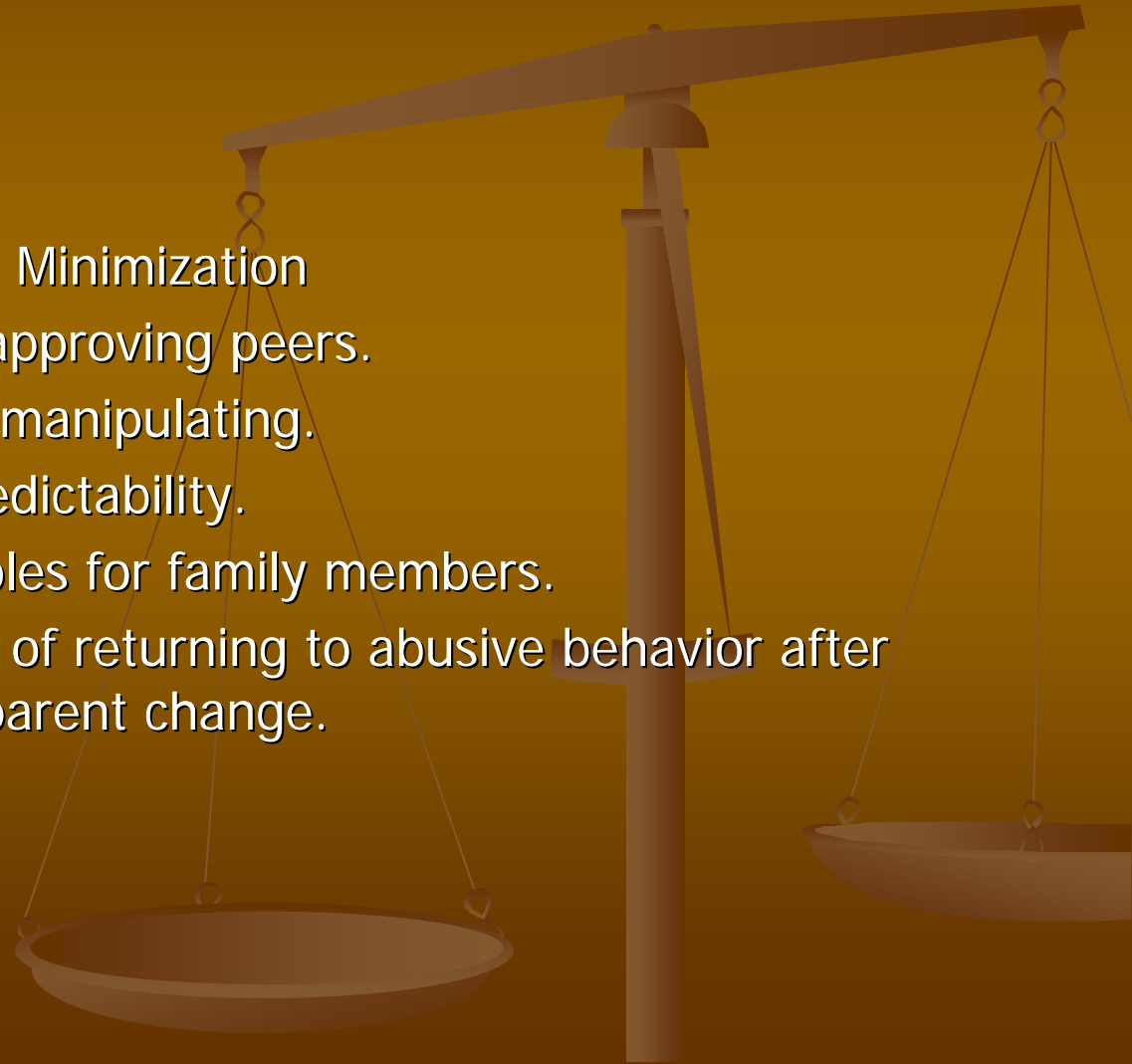
## ■ *Abusers and Addiction – The Facts:*

- 1. Addiction does not cause partner abuse.
- 2. Recovery from addiction does not “cure” partner abuse and subsequently, people in recovery may likely continue to abuse their partners. However, recovery from substance abuse is *a necessary prerequisite* for potential behavioral change in regard to partner abuse.
- 3. DV is not a type of addiction, and has it’s own unique dynamics that demonstrate similarities and differences with substance abuse addiction:

# Drug Courts and DV Offenders

- Similarities:

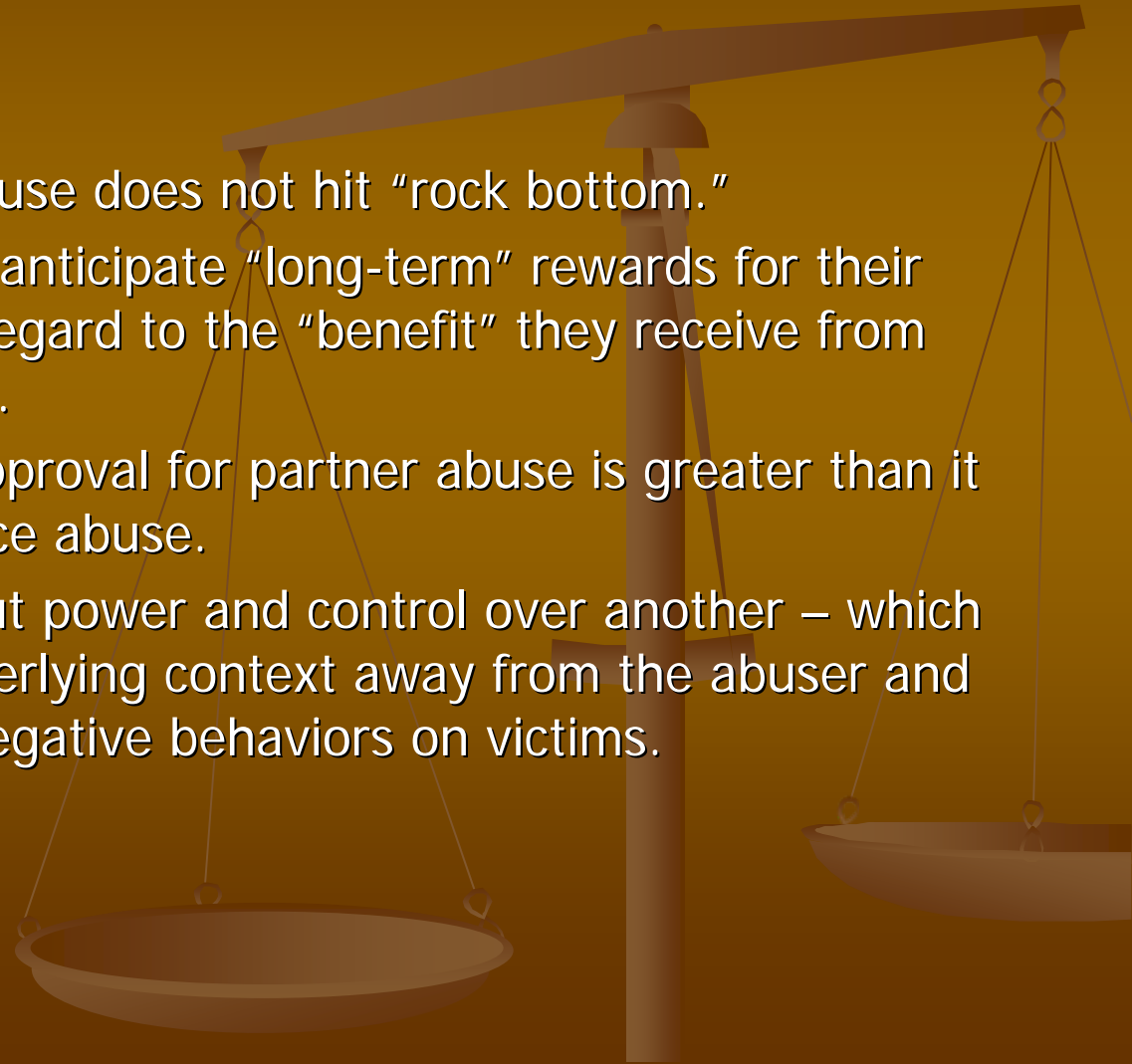
- A. Escalation
- B. Denial and Minimization
- C. Choosing approving peers.
- D. Lying and manipulating.
- E. Lack of predictability.
- F. Defining roles for family members.
- G. High rates of returning to abusive behavior after periods of apparent change.



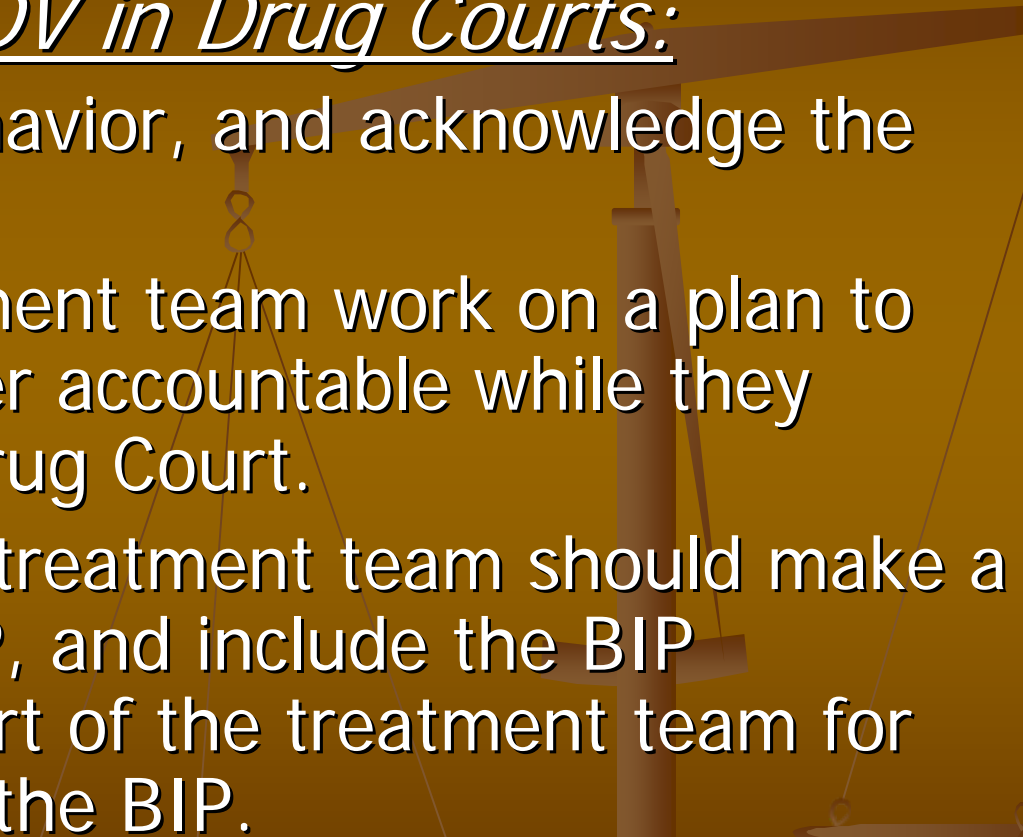
# Drug Courts and DV Offenders

- Differences:

- A. Partner abuse does not hit “rock bottom.”
- B. DV clients anticipate “long-term” rewards for their behaviors in regard to the “benefit” they receive from partner abuse.
- C. Societal approval for partner abuse is greater than it is for substance abuse.
- D. DV is about power and control over another – which shifts the underlying context away from the abuser and focuses the negative behaviors on victims.



# Drug Courts and DV Offenders

- *Responding to DV in Drug Courts:*
    - Identify the behavior, and acknowledge the problem.
    - Have the treatment team work on a plan to hold the batterer accountable while they participate in Drug Court.
    - If possible, the treatment team should make a referral to a BIP, and include the BIP counselor as part of the treatment team for the duration of the BIP.
- 

# Drug Courts and DV Offenders

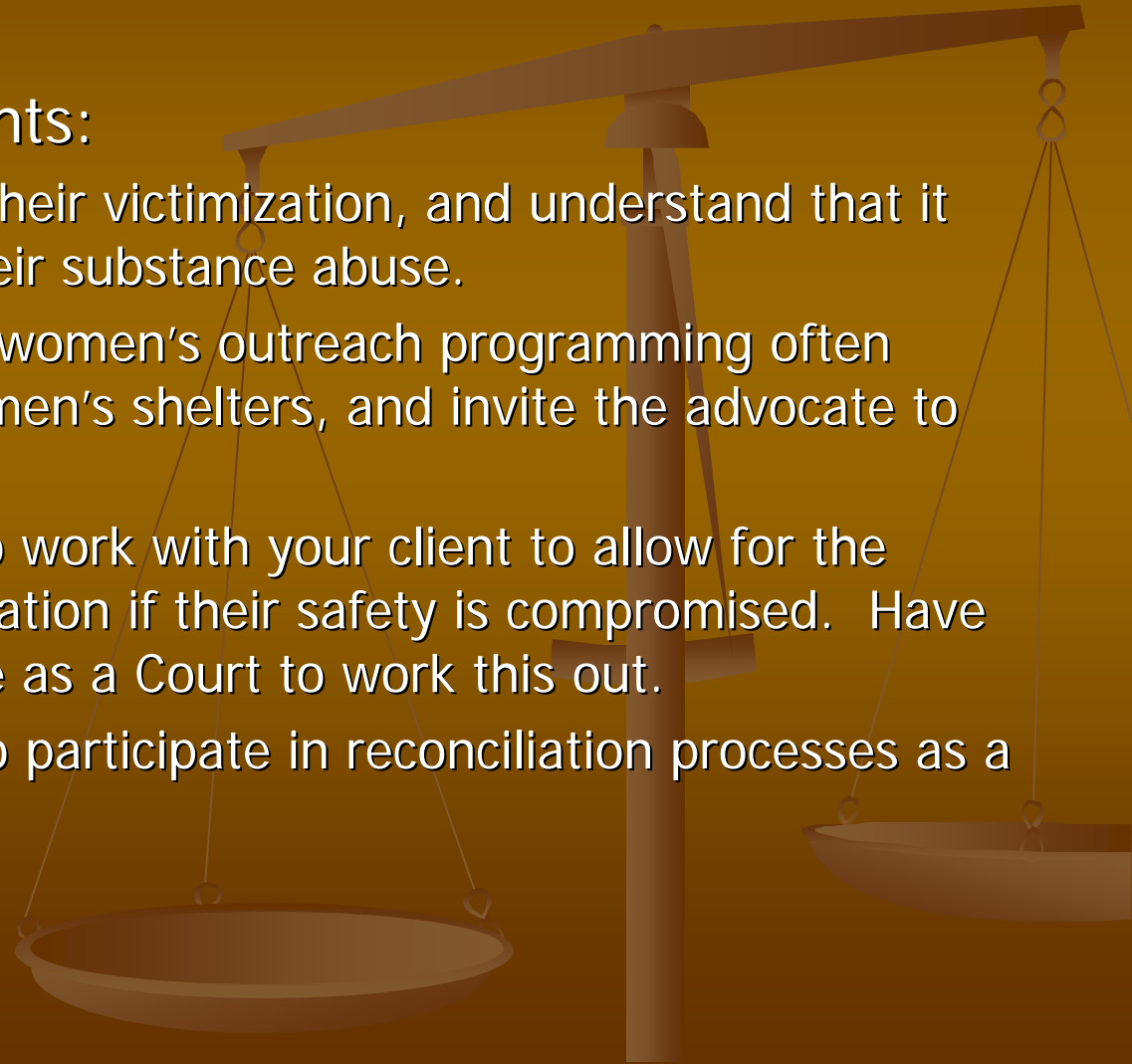
- The treatment team and specifically the probation officer, can begin working with the Prosecutor and Judge to help respond to potential violence, and to make connections with victim. Use of special conditions will help modify/change the batterer's behaviors.
- Drug Courts should remain focused on their goals, but the **MUST** acknowledge the DV-related behavior, and add the additional goals of victim safety and batterer accountability to their planning!

# Drug Courts and DV Offenders

## ■ DV Victims:

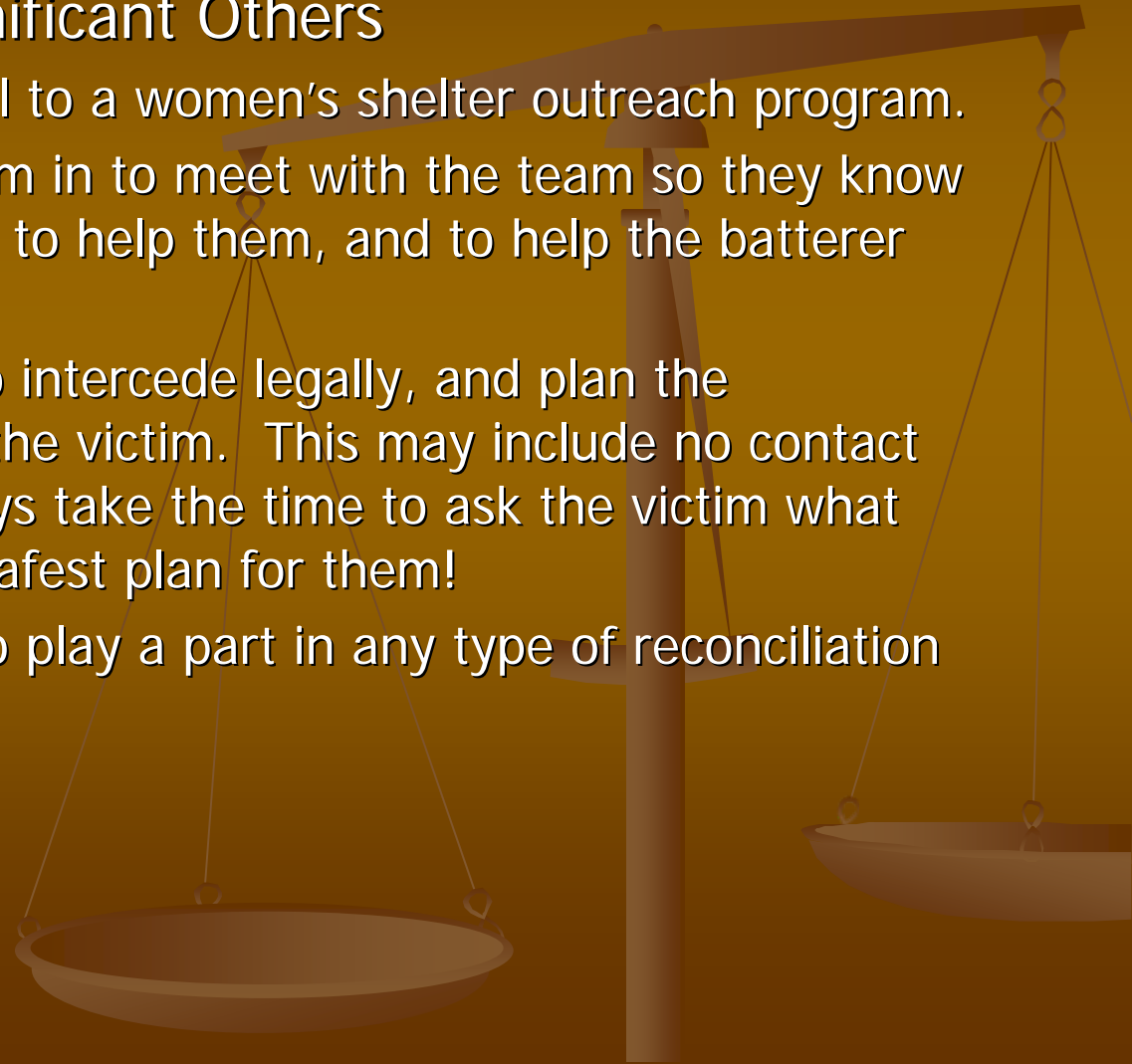
### ■ 1. Victims as Clients:

- A. Acknowledge their victimization, and understand that it may be driving their substance abuse.
- B. Refer them to women's outreach programming often found at local women's shelters, and invite the advocate to your team.
- C. Be prepared to work with your client to allow for the possibility of relocation if their safety is compromised. Have a protocol in place as a Court to work this out.
- D. Be prepared to participate in reconciliation processes as a treatment team.



# Drug Courts and DV Offenders

- 2. Victims as Significant Others
  - A. Make a referral to a women's shelter outreach program.
  - B. Invite the victim in to meet with the team so they know you are prepared to help them, and to help the batterer stop the abuse.
  - C. Be prepared to intercede legally, and plan the intercession with the victim. This may include no contact orders, etc. Always take the time to ask the victim what they think is the safest plan for them!
  - D. Be prepared to play a part in any type of reconciliation process.



# Contact Information

- Thank you for attending the seminar!!!!
  - PO Richard Miller
  - MO Probation & Parole / District 32
  - 1102 Main St., Lexington, MO 64067
  - 660-259-3465 X228
  - [Richard.Miller@doc.mo.gov](mailto:Richard.Miller@doc.mo.gov)
- 