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# What Treatment Courts Need to Know about Domestic Violence

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**MILITARY & VETERANS ADVOCACY PROGRAM**

**BATTERED WOMEN'S JUSTICE PROJECT**

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# Who is BWJP?

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The Battered Women's Justice Project is a national non-profit technical assistance and training provider.

We develop and promote innovations in policy and practice that improve the response to intimate partner violence (IPV) by the civil, criminal, and military justice systems.

Programs include:

- Military & Veterans
- Firearms
- Child custody
- Probation
- Protection orders
- Criminal justice responses

[www.bwjp.org](http://www.bwjp.org)

# Agenda

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- Prevalence and Risk Factors
- Screening for victimization and perpetration
- Risk Assessments
- Contextual Analysis
- Intersection of Co-occurring Conditions
- Offender Intervention Programs
- Military and VA Responses
- Victims and Victim Advocates
- Recommendations

# Safety is Paramount



# Terminology

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Domestic violence (DV) - Includes siblings, parents, etc. in some states

Intimate partner violence (IPV) - Physical, sexual, or psychological harm by current or former partner or spouse

Victims & Survivors

Gender



# Lifetime IPV Victimization

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	<u>Women</u>	<u>Men</u>
Physical violence	32.4% (39.1 mil)	28.3% (32.3 mil)
Severe physical violence	23.2% (28 mil)	13.9% (15.9 mil)
Contact sexual violence	16.4% (19.7 mil)	7.0% (8 mil)
Stalking	9.7% (11.7 mil)	2.3% (2.6 mil)
Any IPV-related impact	27.4% (33 mil)	11.0% (12.6 mil)

*CDC's National Intimate Partner and Sexual Violence Survey - State Report (2017)*

# Lethal IPV

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	<u>Women</u>	<u>Men</u>
Homicide victims	21%	79%
Killed by current or former intimate partner	37%	3%
By firearms	22%	1.5%

CDC's National Violent Death Reporting System (NVDRS) (2015)



# Military and Veteran-related IPV

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Among active duty cases of domestic abuse, 2/3s of victims are women; 1/3 are men

Active duty IPV homicide perpetrators almost exclusively men

*DoD Report on Child Abuse and Neglect and Domestic Abuse in the Military (2016)*

Little difference in victimization between active duty and civilian women except higher rates of IPV and sexual violence for active duty women with deployment history

*National Intimate Partner and Sexual Violence Survey (2010)*

Women receiving VHA services who experienced MST more than 2x as likely to report past-year IPV than women with no MST history

*Kimmerling, et al., Prevalence of Intimate Partner Violence among Women Veterans who utilize Veterans Health Administration Primary Care (2016)*

# IPV Risk Factors

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- Access to lethal weapons
- Threats to kill partner
- Threats of suicide
- History of physical, sexual, or emotional abuse toward intimate partners
- History of violent behavior toward family members (including children), acquaintances, and strangers
- Relationship instability, especially recent separation or divorce
- Presence of other life stressors, including employment/financial problems or recent loss, unemployment
- Evidence of mental health problems and/or substance abuse

# Risk Factors (Cont'd)

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- Childhood history of witnessing or being victim of family violence
- Resistance to change and lack of motivation for treatment
- Antisocial attitudes and behaviors
- Attitudes that support violence toward women
- Pattern of coercive control
- Stalking
- Strangulation
- Forced sex

# IPV Screening Tools

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## Victimization

- E-HITS (VHA)
- Comprehensive Assessment/VTC-Q (NIC/CCI)

## Perpetration

- IPV Perpetration Screening Tool (BWJP Screening, Assessment, and Intervention Doc)
- Reverse E-HITS (VHA)
- Comprehensive Assessment/VTC-Q (NIC/CCI)

# Risk and Danger Assessment

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An ongoing process, not a one-time event

Intervention can also compromise safety – there are always unintended consequences

Educates criminal justice practitioners about risk

Provides a shared language about risk, lethality, and recidivism

Helps the criminal justice system identify appropriate interventions

Informs bail, conditions of release, supervision strategies, and other types of court-ordered treatment decisions

# Risk Assessment Tools

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## DVSI (Domestic Violence Screening Instrument)

- Predictive of recidivism
- Most Qs rely on available information; few are asked of victim
- Commonly used by pre-trial for bail recommendations and probation for case management

## SARA (Spouse Abuse Risk Assessment)

- Predictive of recidivism
- Longer and includes clinical factors; includes victim questions
- Commonly used by probation to inform recommendations to court, case management strategies and level of supervision

# Assessment Tools

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## Danger Assessment (DA)

- Predictive of lethality and recidivism
- Information gathered solely from the victim
- Used by victim advocates with survivors in safety planning
- [www.dangerassessment.org](http://www.dangerassessment.org)

# Why is Context Important?

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Risk: Level of risk and danger is associated with the **history** of the violence and the **tactics used** by the offender.

Safety planning: Takes into account different forms of coercion or violence present in each situation.

Intervention: Effectiveness depends upon practitioners understanding the context in which the violence was used, **exceptional documentation**, and focusing efforts on the **appropriate party**.

*Misunderstandings about the context of the violence can have dangerous or even fatal consequences.*



# Contexts of IPV

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## Violence in exercise of coercive control (battering)

- Patterned set of behaviors
- Coercion and intimidation distinguish it from non-battering
- Entrapment essential goal

## Non-battering use of violence (situational)

- NOT part of an attempt to establish an ongoing position of dominance in a relationship or in response to being battered

# Contexts of IPV (Cont'd)

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## Pathological violence

- Substance abuse
- Psychological problems (e.g., depression, mental illness, PTSD, TBI)

## Violent resistance

- Broader strategy by victims to stop or contain abuse, including violence directed at the abuser
- Battered Women's Syndrome
- Imperfect self-defense

*All IPV can lead to serious bodily injury or death.*

# Information needed for thorough Contextual Analysis

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Prior police reports

Victims & former partners

Protection order affidavits & protection order registries

National Crime Information Center (NCIC)

Military records

- Discipline (command counseling, non-judicial punishment, and court martials)
- Military protection orders (MPOs)
- Military LE incident and investigation reports
- Medical
- Family Advocacy Program (FAP) files
- Incident Determination Committee (IDC) and Clinical Case Staffing Meeting (CCSM) reports

# DV/IPV/Batterers

## Intervention Program Characteristics

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Most are cognitive-based

Less effective for high risk offenders

Non-completion a strong indicator that abuse will continue; characteristics associated with failure to complete:

- Being younger
- Less education
- Criminal histories/violence in their family of origin
- Unemployment
- Substance abuse problems
- Having children
- Lacking court sanctions for noncompliance

B. Hart, A. Klein, *Practical Implications of Current Intimate Partner Violence Research for Victim Advocates and Service Providers* (2013)

# Intervention programs available to Servicemembers and Veterans

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## VETERAN-CULTURALLY COMPETENT

### ***Change Step***

- Minneapolis, MN
- US Air Force healthcare facilities

### ***Strength at Home – Men’s Program***

- 25 VAMCs and expanding

### ***Family Recovery Program***

- San Diego Vet Center

## OTHERS

### ***STOP Model***

- Numerous active duty US Army and Navy installations

### ***MRT for DV***

- VAMCs in Milwaukee, Appleton, WI, and Chicago (Jesse Brown)

# Military Response & Key Players

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**Military  
Commanders**



**FAP Staff**



**Health Care  
Providers**



**Judge  
Advocates**



**Military  
Law  
Enforcement**



**Chaplains**

# VHA IPV Assistance Program

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Expanded screening, prevention, and intervention for veterans

Strengthen partnerships with community providers/resources

IPV Coordinators

Veterans who experience IPV

- SAFER Protocol including the E-HITS Victim Screening Tool

Veterans who use IPV

- Screening, Identification, Assessment, and Referral to include *Strength at Home*



# Federal Gun Control Act

## *18 USC 922(g)*

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Prohibits possession and ownership of firearms and ammunition

- (8) Subject to a **qualifying court order**
- (9) **Misdemeanor crime of domestic violence (MCDV)** (*Lautenberg Amendment*)
- Official Use Exemption (18 USC 925(a)(1)) only applies to MCDVs, not court orders
- Expungements/Record clearances only restore federal gun rights if conviction no longer used for any purpose





# IPV Victim Issues

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## GENERAL

Fear of violence/reprisals

Threats to recant/drop charges

Fear of losing children

Financial concerns/dependence

Shame and embarrassment

Reluctance to become involved with police and courts

Trauma/mental health issues

## MILITARY & VETERAN-RELATED

Fear negative effect on military career

Loss of access to services and benefits

Lack of knowledge of civilian resources

Isolation and lack of support system

Caretaker role and guilt

# Independent Victim Advocates

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Facilitate access to resources, emergency housing, shelter

Assess risks posed by the abuser and by intervention, and develop a safety plan.

Explain civil, criminal, and military responses, and explore increased safety and unintended consequences.

Strategize with victim to identify and achieve short and long-term goals for safety and autonomy.

Maintain confidentiality.

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# Recommendations for Treatment Courts

# Develop a Victim Component

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Connect victims to a community-based victim advocates

- Part of Domestic Violence Court model
- Risk & danger assessments
- Safety planning

Connect victims to community, military, and/or VA resources

- Legal services, shelter, employment services, etc.

Develop a victim communications plan

- With whom will info be shared?
- Conducted separate from treatment court participants

Inform victims participation is voluntary; Consult/seek approval on program entry

# Refine Eligibility Criteria

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Nexus between combat/service-related conditions and DV offense?

First time DV offenders?

Victim approval?

Determine Context

- Battering, Situational, Pathological, and/or Resistive
- Don't take veterans lacking Pathological context

Use DV/IPV Risk Assessments – Note: High risk/high need calculus differs for DV compared to substance abuse

Require firearms prohibition for court participation



# Screen for IPV

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Screen all participants for IPV

Do not rely solely on self-reporting

Obtain information from multiple sources

- Victims & former partners
- Prior police reports
- Protection order affidavits & protection order registries
- National Crime Information Center (NCIC)
- Military records

# Assess ID'd IPV

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Assess IPV separately from PTSD, TBI, substance abuse, etc.

MH providers and substance abuse counselors typically do not have specific IPV expertise

Collaborate with community-based and military victim advocates to assess victims; when permitted by victim, utilize shared information in VTC process



# Utilize IPV Treatment

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Provide separate treatment for IPV, mental health, and substance abuse

- Sequencing of treatment?

Anger management not generally effective in stopping IPV

Couples counseling not a substitute for offender intervention programs; can increase danger for victims

Consider culturally-competent DV/IPV/Batterers Intervention Programs





# Modify Supervision & Sanctions

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IPV perpetration can be significantly deterred by swift and certain court response for violations, intensive programming for high-risk men, and ongoing monitoring .

While relapse is common and often expected for addicts, for IPV perpetrators it means re-assault and harm to others (relapse vs. re-offense).

Consequences for continued violence and abuse must differ from other violations (Program termination?)

Prohibit firearms/Enforce existing prohibitions

Victim is usually best source of information.

# Expand, Educate and Coordinate

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## Expand interdisciplinary court team

- Community-based IPV victim advocate
- IPV treatment staff
- VHA Domestic Violence Coordinators (DVC)

## Coordinate with existing Domestic Violence Court

- Cases should be routed there before treatment court

## Work within existing CCRs



# Recommendations Review

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Develop a Victim Component

Refine Eligibility Criteria

Screen all for IPV

Assess IPV when ID'd

Conduct Contextual Analysis

Utilize IPV-specific Treatment

Modify Supervision & Sanctions

Expand, Educate, and Coordinate

# Free Upcoming Training

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*Veterans and Domestic Violence:  
Improving Safety, Accountability, and Intervention*



Omni Hotel, Jacksonville, FL  
October 15-16, 2018

[www.bwjp.org/military.aspx](http://www.bwjp.org/military.aspx)

# Resources

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## BWJP's Military & Veterans Advocacy Webpage

- eLearning Course, *Safety at Home - Intimate Partner Violence, Military Personnel, and Veterans*
- *Intimate Partner Violence: Insights into Military Personnel and Veterans* (Video and Facilitator's Guide)
- *Screening, Assessment, & Intervention Model for Intimate Partner Violence Perpetration and Co-Occurring Combat-related Conditions*
- Webinars & Archived Recordings
- Legal and Advocacy listservs

# Resources

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## **Commission on Domestic & Sexual Violence**

[www.americanbar.org/groups/domestic\\_violence.html](http://www.americanbar.org/groups/domestic_violence.html)

## **Aequitas**

[www.aequitasresource.org](http://www.aequitasresource.org)

- Prosecutors

## **Domestic Abuse Intervention Programs (DAIP)**

[www.theduluthmodel.org](http://www.theduluthmodel.org)

- Offender intervention/Non-violence programs
- Coordinated Community Response (CCR)

# Resources

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## **Center for Court Innovation**

[www.courtinnovation.org/topic/domestic-violence](http://www.courtinnovation.org/topic/domestic-violence)

- Domestic Violence Courts

## **International Association of Chiefs of Police**

[www.theiacp.org/Police-Response-to-Violence-Against-Women](http://www.theiacp.org/Police-Response-to-Violence-Against-Women)

# Contact Information

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