

# DOMESTIC ABUSE INTERVENTION PROJECT

## An Overview

The Domestic Abuse Intervention Project (DAIP) in Duluth, Minnesota, is a comprehensive community-based program for intervention in domestic abuse cases. It attempts to coordinate the response of the many agencies and practitioners who respond to domestic violence cases in our community. The project involves community organizing and advocacy that examines training programs, policies, procedures and texts—intake forms, report formats, assessments, evaluations, checklists and other materials. We ask, how does each practice, procedure, form or brochure either enhance or compromise victim safety?

This is an excerpt from the manual *Coordinated Community Response to Domestic Assault Cases: A Guide for Policy Development*.

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When a woman being beaten by her husband calls 911, she dials into a complex community system, which often resolves cases based on institutional imperatives rather than on making victim safety central. This reflects an historical tolerance for domestic violence, rather than the attitudes of individual practitioners.

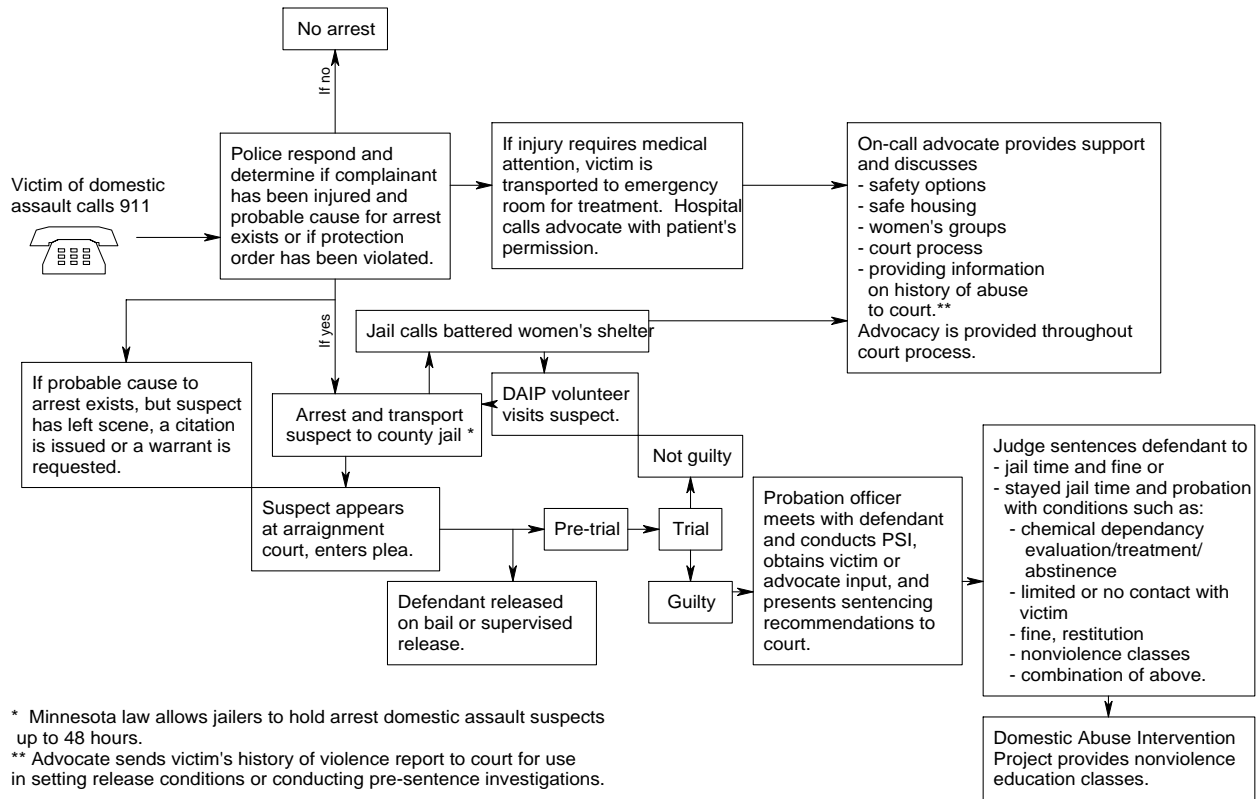
Negotiating common understandings among agencies lessens the negative impact of fragmented philosophies and responses on the victims of domestic violence. These understandings make central the victim's experience of violence and coercion and ongoing threats to her safety. The shared framework for community intervention is guided by practical questions: Who is doing harm to whom? How dangerous is this situation? Who needs protection?

Community agencies include the communications center (911), police department, prosecutor's office, sheriff's department, probation department, women's shelter, public health department, district bench, and several mental health agencies. With each agency, our aim has been to make links between what individual practitioners do in a case and the overall effect of intervention.

We always keep in mind these five core principles of intervention:

1. Whenever possible, the burden of confronting abusers and placing restrictions on their behaviors should rest with the community, not the victim.
2. To make fundamental changes in a community's response to violence against women, individual practitioners must work cooperatively, guided by training, job descriptions, and standardized practices that are all oriented toward the desired changes.
3. Intervention must be responsive to the totality of harm done by the violence rather than be incident or punishment focused.
4. Protection of the victim must take priority when two intervention goals clash.
5. Intervention practices must reflect a basic understanding of and a commitment to accountability to the victim, whose life is most impacted by our individual and collective actions.

Adherence to these principles helps to produce consistent results regardless of the beliefs or values of an individual practitioner.



## SUMMARY OF THE INTERVENTION PROCESS

The goal of intervention is to stop the violence. The focus of intervention is to protect the victim. In developing a community-based response to battering, the Domestic Abuse Intervention Project (DAIP) sought to avoid further victimization of women by holding the assailant solely accountable for his use of violence. The chart above depicts the intervention process in a criminal case. The following narrative describes a typical case in the project.

### A Case Scenario

The police are called to an alleged domestic assault involving cohabiting adults. The officers establish probable cause that the male has assaulted his partner, resulting in a visible injury. The officers arrest the alleged assailant. After the booking procedures, the jailer contacts the battered women's shelter and notifies them of the arrest, the charge, and the name, address, and phone number of the victim. The shelter sends a volunteer advocate to the home of the victim to explain the court process, to make known the availability of the shelter, to help her decide if she wants to file for an order for protection and have it served at the arraignment the next day, and to make plans for her immediate safety upon his release from jail. The advocate discusses with the woman what information can be passed on to the court in order to help the pre-trial release agent, probation officer, or judge make the appropriate decision. The advocate also encourages her to come to weekly educational groups for battered women.

The alleged assailant is held until the arraignment the next morning. Prior to his release, the DAIP sends a community volunteer to the jail to talk with him about the availability of nonviolence classes to address his use of violence. The jail visitor makes note of any threats the alleged assailant may make and notifies

the shelter of them.

The alleged assailant is arraigned. If he pleads not guilty, a pre-trial release interview is conducted and recommendations are made to the court. If he pleads guilty, a pre-sentence investigation is ordered and the victim, either personally or through the shelter advocate, communicates her concerns to the probation officer. The information received from the victim by the on-call advocate is communicated (with permission) either to the pre-trial release agent or the probation officer conducting the pre-sentence investigation. The pre-trial release or pre-sentence investigation recommendations are reported back to the court on the same day.

The probation officer conducting the pre-sentence investigation on a first offense without aggravating circumstances recommends a stayed 30- or 60-day jail sentence and complete cooperation with the DAIP 29-week educational program. If the victim has indicated that drugs or alcohol play any part in the abuse, a condition of probation normally includes a chemical dependency evaluation and complete cooperation with any recommendations for treatment made. Based on the victim's request, the probation officer may recommend no or limited contact with the victim.

The assailant is sentenced the same day of the guilty plea and pre-sentence investigation unless there are extenuating circumstances, e.g., allegations of child abuse. The judge usually bases the sentence on the probation officer's recommendation. The assailant now on probation is required to make an appointment with the DAIP for assessment within five days of sentencing.

If a case is handled in civil court through an order for protection, the court, upon the finding of domestic abuse, orders a combination of several reliefs to protect the victim. These reliefs are usually similar to or the same as conditions of probation. An order normally involves exclusion of the abuser from the residence either for a full year or, if the victim requests, until the abuser is in a counseling or nonviolence class. The order also typically includes cooperation with the DAIP educational program. The order always restrains the abuser from any harassment, threats, or assaults against the victim and frequently awards temporary custody and sets conditions of child visitation.

Individuals ordered to participate in the DAIP educational program must attend an intake/orientation session with DAIP staff for evaluation and assignment to a group. Participants attend 28 education classes and are invited to a follow-up men's support group upon completion of the classes.

Following the DAIP intake, the offender's partner is contacted by a DAIP woman's advocate to obtain further information about the history of abuse, invite her to an orientation session for women whose partners have entered the program, give her information about what to do if he re-offends, and make sure she knows about the shelter if she needs it.

If the offender consistently fails to attend educational classes or uses any violence during the probationary or order for protection terms, the project staff will request a revocation of probation hearing or a civil court review hearing. The court may, in probation cases, impose all or some of the original jail sentence and again require the assailant to complete the educational program upon his release from jail. In civil cases the assailant may be found in contempt of court, incarcerated, and given a choice of completing the program or remaining in jail.

## **Policy and Procedural Guidelines**

It is vitally important that policies and procedural guidelines for intervention in domestic assault cases be founded on a sound theoretical basis which protects battered women, helps judicial system practitioners discharge their public duties, and renounces the practice of victim blaming. The following principles guide the policies and procedures of the DAIP.

1. Victims must have access to safe emergency housing.
2. Victims should be provided the information and advocacy necessary to act in the courts and should not be denied protection because of the cost of professional assistance to obtain police or court protection.
3. Using the legal system to intervene in cases is for the benefit of public safety, but especially for the victim of the abuse. Individual victims should not be put at risk of greater harm in order to hold an individual offender accountable. The first priority of intervention should be to carry out policies and protocols which protect the victim from further harm.
4. The intensity of intervention should be based on the need for protection from further harm and on what is needed to create a deterrence to the offender. The use of jail or incarceration should be considered when other safety measures are inadequate. More jail does not equal more justice for battered women.
5. Policies and procedures adopted by agencies in the judicial system should be continually monitored by an organization which is outside the judicial system and is guided by victim advocacy programs and battered women.
6. The primary focus of intervention should be on stopping the assailant's use of violence, not on fixing or ending the relationship.
7. Policies and procedures should be designed to act as a general deterrent to battering in the community.
8. In general, the court, in determining its action in a case, should not prescribe a behavior or course of action for the victim, e.g., it should neither force testimony by threatening to jail victims for refusing to testify nor mandate treatment for the victim who has not used violence.
9. The courts and law enforcement agencies should work cooperatively with victim advocacy programs and provide the advocacy/shelter program and victim with the broadest possible access to legal information.
10. The courts should, when appropriate, mandate educational groups for assailants and impose increasingly harsh penalties for any continued acts of harassment and violence they commit.
11. All policies and procedural guidelines should be reviewed by members of the communities not represented by the majority culture (e.g., communities of color, the gay/lesbian/bisexual community, people who are low income). Their review should include a close look at monitoring procedures to safeguard against the use of race, class, or lifestyle biases in implementing policies.
12. All practices and policies should be continually evaluated and discussed to ensure their effectiveness in protecting all victims and to provide ongoing training for agencies.
13. All interventions must account for the power imbalance between the assailant and the victim.

## **Activities of an Intervention Project**

Intervention projects are shaped by factors unique to a community such as population, size of the area covered, available resources (especially financial), and the cooperativeness of practitioners within the justice system. The experience of the Duluth Domestic Abuse Intervention Project and of dozens of projects across the country have identified the following eight activities as effective intervention.

The ways these activities are carried out in a community varies. If resources are limited, as they generally are, these activities may have to be prioritized. For example, a project may not have the funds to provide educational groups for assailants, and the community may not have appropriate programs to which assailants can be referred. A decision could be made to focus the resources that are available on tracking assailants through the system, ensuring that they are being held accountable to conditions of probation or orders of protection, and placing assailants in a community work program rather than a rehabilitation program.

Different activities will also take priority at different points in a project's existence. Building a common perspective shared by justice system practitioners will be ongoing and is likely to take more time and energy during the implementation stage.

A project should continually evaluate the allocation of its resources, especially staff time, among these activities and determine which needs take priority at any given time. It is critical that these decisions always be made from the standpoint of victim safety.

Following is a brief outline of the eight activities of an intervention project.

- ❶ The intervention project changes how the community thinks about violence by building an underlying philosophical framework which guides the intervention process by
  - ▶ helping practitioners within the justice system reduce conflicting theories about battering and about how to protect victims and hold offenders accountable
  - ▶ working toward an understanding among practitioners of the complex dynamics of an abusive relationship and a commitment to handle cases in a manner that doesn't blame or revictimize the victim
  - ▶ recognizing that violence is intended to have an impact on the person being hit, kicked, or shot at, giving one party power over the other
  - ▶ reviewing current research and educational materials on battering and keeping practitioners updated
  - ▶ responding to tensions often caused by conflicting philosophies by coordinating ongoing discussions among practitioners.
- ❷ The intervention project assists in the development and implementation of policies and operating procedures of the intervening agencies involved in the coordinated community response by
  - ▶ charting out the roles, possible intervention actions, and procedures of each intervening agent in the system, e.g., 911 dispatcher, police officer, jailer
  - ▶ ensuring that each agency's policies complement other agency policies
  - ▶ clarifying for practitioners when they may exercise discretion, when they must take certain steps and what conditions suggest different options
  - ▶ meeting with practitioners from each agency to examine how current practices affect victims and explore new practices which can maximize victim safety
  - ▶ designing ongoing trainings for practitioners on the implementation of policies and procedures.
- ❸ The intervention project monitors/tracks cases from initial contact through case closure to ensure practitioner and offender accountability by
  - ▶ determining what information is important and where and how to get it

- ▶ developing policies with each agency for the collection of data and a process to notify administrators when practitioners fail to comply with agreed-upon policies
  - ▶ tracking cases for breakdowns in the system
  - ▶ utilizing data to determine if agency objectives are being realized
  - ▶ maintaining case files to ensure the offender is complying with all orders from the court.
- ④ The intervention project coordinates the exchange of information and interagency communication on a need-to-know basis and coordinates interagency decision making by
- ▶ routing all available information on a case to those practitioners involved with it
  - ▶ coordinating interagency meetings to resolve problems with individual cases and discuss related issues faced by practitioners
  - ▶ facilitating input by all people and agencies who are affected by the development or change of a policy
  - ▶ providing for the exchange of information between agencies so there is a common understanding of how their policies complement one another's efforts
  - ▶ coordinating interagency meetings to assess the coordinated response.
- ⑤ The intervention project ensures that resources and services which offer safety and protection from further abuse are available to victims and other at-risk family members by
- ▶ providing information and referrals to victims about battered women's advocacy programs and shelters
  - ▶ ensuring that victims have access to basic resources including emergency safe housing, legal advocacy, access to resources, and support.
- ⑥ The intervention project utilizes a combination of sanctions, restrictions, and rehabilitation services to hold offenders accountable and to protect victims from further abuse by working with
- ▶ law enforcement to adopt an arrest policy
  - ▶ prosecutors and judges to develop policies and guidelines which discourage the “screening out” of cases
  - ▶ probation and the courts to ensure that pre-sentence investigations are conducted and, when appropriate, extended probation periods ordered
  - ▶ judges to ensure that repeated acts of violence or violations of OFPs result in stricter penalties, including jail, counseling, no-contact provisions, restitution, community service, and other restrictions
  - ▶ nonviolence programs to hold offenders accountable by monitoring the offender’s attendance at classes.
- ⑦ The intervention project works to undo harm to children by
- ▶ assessing for risk to children at each point of intervention
  - ▶ providing safe places for children to visit with their non-custodial parent
  - ▶ requiring abusive parents to participate in groups which focus on helping children heal from the effects of living in a home where there has been violence
  - ▶ accounting fully for the pattern, severity, and frequency of violence being used by a parent when determining visitation, custody, and rehabilitation plans.
- ⑧ The intervention project evaluates the coordinated community response from the standpoint of victim safety and the overall objectives of intervention project goals by
- ▶ collecting data on a continuing basis to determine if the agreed-upon procedures and policies are consistently applied
  - ▶ conducting research to determine the effectiveness of policies and procedures in protecting women from further violence and reducing the victim-blaming practices of institutions
  - ▶ evaluating the level of change of court-mandated offenders by analyzing reductions in abusive behaviors and the extent to which women are free to act without control or restraints from the

offender.

The intervention project carries out these activities in conjunction with the women's shelter and in coordination with the various agencies of the justice system. These agencies are law enforcement, city and county jails, city and county prosecutors, criminal and civil courts, probation, counseling programs, and shelters or victim advocacy programs. Each agency has a specific role in each case. Their roles must be carefully coordinated with those of the other agencies to ensure a consistent and uniform response.

An intervention project is most effective if it is independent from city and county government. The DAIP in Duluth has received limited funding from these units of government, and hence has been relatively unfettered when confronting a particular practice of a participating agency. While intervention projects are usually separate from the shelter, organizers of projects should work with shelters to ensure that projects are not negatively impacting shelter funding and that the protection of battered women through safe housing and advocacy takes priority.

