

# Appropriate Sanctioning of Domestic Violence Crimes

## What crime(s) occurred?\*

- 21-3412a Domestic battery
- 21-3412 Battery
- 21-3408 Assault
- 21-3401 Murder
- 21-3419 Criminal threat
- 21-3420 Kidnapping
- 21-3424 Criminal restraint
- 21-3426 Robbery
- 21-3438 Stalking
- 21-3502 Rape
- 21-3503 Indecent liberties
- 21-3505 Criminal Sodomy
- 21-3517 Sexual battery
- 21-3608 Endangering a child
- 21-3609 Abuse of a child
- 21-3701 Theft
- 21-3705 Criminal deprivation of property
- 21-3715 Burglary
- 21-3718 Arson
- 21-3719 Aggravated Arson
- 21-3720 Criminal damage to property
- 21-3721 Criminal trespass
- 21-3808 Obstructing legal process
- 21-3832 Intimidating a witness
- 21-3843 Violating a protection order
- 21-4101 Disorderly conduct
- 21-4113 Harassment by telephone
- 21-4201 Criminal use of weapons

## In what context did the crime occur?

- ✓ Victim safety
- ✓ History of violence and target(s) of violence
- ✓ Social history
- ✓ Dangerousness assessment (on-going)
- ✓ Substance use
- ✓ Mental Health
- ✓ Family and community supports
- ✓ Other



## CONTEXT OF VIOLENCE

Power and control wheel developed by Domestic Abuse Intervention Project, Duluth, MN

\* Crimes reported by Kansas law enforcement agencies that occurred in the context of domestic violence. A Report on Domestic Violence and Rape Statistics in Kansas As Reported by Law Enforcement Agencies (2003)

## ASSESSMENT

### What type of perpetrator is this?

#### **Batterer:**

(It is CRITICAL to note that not all batterers are alike and screeners need to be well-trained to determine the best intervention strategies that also enhance the safety of the victim and community.)

- ✓ In addition to violence, a batterer uses tactics designed to intimidate and threaten the victim into compliance and increased vulnerability
- ✓ Battering is based on sense of entitlement to control victim
- ✓ Violence most often escalates in frequency and severity over time
- ✓ Violence is likely to increase significantly if victim attempts to leave

#### **Self-Defense/Resistance:**

- ✓ Victim is reacting to violence and intimidation used against her/him
- ✓ Violence may be purely self-defense (non-criminal)
- ✓ Violence may be retaliatory or designed to go "toe-to-toe" with abuser

#### **One-time Assailant:**

- ✓ Use of violence is highly atypical
- ✓ Other forms of power and control tactics are not being used
- ✓ Violence was not serious or lethal
- ✓ Violence was a response to ongoing abuse against the perpetrator of the one-time violence

#### **Generally Violent Fighter:**

- ✓ Use of violence is frequent
- ✓ Violence may or may not be serious or lethal
- ✓ General targets, is violent toward partner, acquaintances, and strangers

#### **Severe Mental Illness:**

- ✓ Perpetrator may also be one of the above types
- ✓ Violence accompanied by hallucinations and/or delusion
- ✓ Judgement & impulses significantly impaired by psychosis

## Determination of Appropriate Disposition and Monitoring

### What are appropriate Criminal Justice Responses?

- ✓ Prosecution that results in a diversion/probation/prison or jail +
- ✓ Batterers intervention program +
- ✓ Close oversight of accountability by court services +
- ✓ May also need substance abuse and mental health treatment

- ✓ If self-defense, no action
- ✓ If retaliatory, prosecution
- ✓ May also need substance abuse or mental health treatment

- ✓ Prosecution
- ✓ May also need substance abuse or mental health treatment
- ✓ May be a candidate for anger management

- ✓ Prosecution that results in a diversion/probation/prison or jail
- ✓ Close oversight of accountability by court services
- ✓ May also need substance abuse and mental health treatment
- ✓ Batterers intervention or anger management program as appropriate

- ✓ Mental health screening and treatment
- ✓ May also need to participate in batterers intervention program
- ✓ May also need to participate in substance abuse program

### How do communities manage the offender?\*

#### **DV accountability management unit**

- ✓ BIP attendance and participation
- ✓ Monitoring use of any physical or emotional abuse
- ✓ Monitor child support payments
- ✓ Monitor child visitation practices
- ✓ Monitor compliance with PFA/PFS
- ✓ Monitor attendance at work
- ✓ Monitor corollary services (MH, D&A, etc.)
- ✓ Monitor community behavior and citizenship
- ✓ Continuous dangerousness assessment
- ✓ Contact with court and corrections personnel
- ✓ Contact with victim service providers
- ✓ Contact with Child exchange and visitation services

#### **Standard court service management**

#### **Standard court service management**

#### **Standard court service management**

#### **Standard court service management**

Compliance may be impaired by mental health issues

\* This is a highly trained and specialized team of monitors that provide very broad and intense oversight of domestic violence offenders. This service could be provided by court services or any other entity if they are resourced and trained.

### How are communities involved?

Victim services

Batterers intervention programs

Sex offender treatment programs

Court services

Community corrections

Employers

Law enforcement

Bystanders

Mental health providers

Substance abuse services

Faith community