

REPORT FROM THE CIDVC BEST PRACTICES WORKGROUP

**COMMITTEE ON THE IMPACT OF DOMESTIC
VIOLENCE AND THE COURTS**

March 2010

DRAFT

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BEST PRACTICES IN DOMESTIC VIOLENCE CASES GUIDE

INTRODUCTION

The Arizona Supreme Court's [Committee on the Impact of Domestic Violence and the Courts](#) (CIDVC)¹ is charged with assisting with development and implementation of policies that:

- acknowledge the severity of the problem of domestic violence in Arizona,
- increase awareness of victim resources,
- provide sanctions for criminal conduct,
- enhance the follow-through by law enforcement to enforce orders of protection,
- assess state and local proceedings and services and make recommendations for system changes that will promote enhanced safety for victims and the professionals who interact with them, and
- encourage offender accountability.

The Best Practices Workgroup of CIDVC was established in response to reports issued by the [Morrison Institute for Public Policy](#) at Arizona State University. The reports – “Levels of Meaning” and “System Alert” – examined the response of the Arizona criminal justice system to domestic violence through interviews and surveys with the various players in the system, including police officers, probation officers, prosecutors, judges,

¹ CIDVC is a standing committee of the Arizona Judicial Council, which assists the Arizona Supreme Court and its Chief Justice in policy development and implementation regarding court administration, operations, and services to improve administration of justice in Arizona. CIDVC was established by [ACIA § 1-110](#).

victim advocates, and victims. “System Alert” presented a series of practical recommendations to help improve the Arizona criminal justice system’s response to domestic violence. The Best Practices Workgroup has used those recommendations as an outline to develop this Best Practices in Domestic Violence Cases guide.

To compile the guide, the workgroup members first started within our state, contacting organizations and professionals who were already implementing what we considered to be best practices and asking them for their materials and contact information. Next, we utilized any resources and contacts we had around the country, looking to other courts, police departments, prosecution agencies, and advocacy groups for ideas and responses that we could cite as best practices. Finally, in the course of gathering this information, we have all collected or have been referred to various authors, articles, and websites, and we have included some of these references as well.

Our purpose in publishing this guide is to give the professionals in our criminal justice system guidance, ideas, resources, and support in establishing best practices in domestic violence cases in their part of the system. By incorporating the recommendations and findings of the two Morrison Institute reports into our guide, we have tried to address issues specific to the Arizona criminal justice system – issues that the players themselves raised and improvements they suggested. Some of those answers can be found as close as the next county, while some practices may be in the process of being implemented on the other side of the country.

We encourage you to read the [“System Alert”](#) and [“Layers of Meaning”](#) reports at the [Morrison Institute](#) website. You may recognize yourself, the system in which you work, the people with whom you work, and many of the thorny issues these reports raise. We hope you will then return to this guide and review it periodically, looking for solutions to the problems you may have recognized in your own system. Wherever the solutions can be found, CIDVC and the Best Practices Workgroup hope this guide will be a useful, practical, and valuable resource for improvements and change in the way our entire criminal justice system deals with the serious issue of domestic violence in our state.

SECTION ONE: POLICE AND PROSECUTION

Law enforcement personnel play a crucial role in addressing domestic violence, as they are often the first responders to what may have been otherwise hidden and sheltered from public view.

As part of the state team addressing domestic violence as a community problem, prosecutors can work in tandem with law enforcement personnel in developing policies of zero tolerance for domestic violence. Their responses, in the form of swift and sure consequences and accountability, can send a strong message not previously sent to the perpetrator or the victim that domestic violence is unacceptable in this community. This can create a turning point in a violent relationship. Conversely, a soft response will only bolster a perpetrator's power and control over the victim and can do much more harm than if no police response had occurred at all.

Best practices for law enforcement should always focus on victim, child, and officer safety, keeping in mind that domestic violence calls bring inherent risks. Reliance on 911 dispatch is critical, and as much information as possible should be collected regarding the scene and the presence of weapons. Officers should take possession of any firearms they have the legal authority to confiscate, as the presence of firearms in the house greatly increases the risk of fatality to a victim of domestic violence. Prosecutors should use the state and federal firearms laws to their fullest and charge perpetrators with additional weapons violations when applicable.

Law enforcement also has the opportunity to be the first service provider to guide a victim of domestic violence toward a path of healing. Officers should distribute resources and much-needed information to a victim in the throes of a crisis. For prosecutors, including the victim in decision-making and tailoring each case to the needs of the individual victim and children can increase victim safety and enhance the effectiveness of the process for all parties involved.

The researchers at the Morrison Institute found that victim reluctance is one of the greatest obstacles to prosecution of domestic violence cases. The Morrison Institute report made several recommendations to address the issue of low victim participation. Prosecutors should show a greater willingness to try low-level misdemeanors as an early intervention method. Prosecutors should reduce the practice of dropping the DV allegation on charges. Additionally, county attorneys should be encouraged to take more aggravated DV cases as felonies to bring stiffer penalties to repeat offenders.

Agencies should improve coordination and communication among themselves. The Morrison Institute included a recommendation that was universal to all the participants in the system: Expand training for all players in variety and frequency.

The following links provide law enforcement personnel and prosecutors with direction on actual practices taking place in Arizona and around the country. These practices have proven successful in addressing domestic violence in our community.

BEST PRACTICE IDEAS:

Training

- ▶ Arizona Police Officers Standards and Training Board is a statewide law enforcement resource for training and education. www.azpost.gov

Coordinated Community Response

- ▶ Developing a coordinated community response to domestic violence, with police departments and prosecutors working closely together. For an example, see

http://usmayors.org/bestpractices/domestic/scottsdale_az.htm

- ▶ The Center Against Family Violence, where criminal justice joins forces with helping professions; where police and social workers, prosecuting attorneys, and on-site physicians work together to reduce the trauma of physical and sexual abuse; where victimization is transformed into empowerment: <http://www.mesaaz.gov/police/cafv/>

Police and Prosecution Programs

- ▶ An International Chiefs of Police website that includes guidelines on police and protective order policy, a guidebook on enforcing protective orders nationwide, and a guide on police response to violence against women:

<http://www.theiacp.org/PublicationsGuides/ResearchCenter/Publications/tabid/299/Default.aspx?id=1000&v=1>

- ▶ A federally funded study summarizing the practical implications of domestic violence research on prosecutions - 2008:

<http://www.ncjrs.gov/pdffiles1/nij/grants/222320.pdf>

- ▶ A federally funded study summarizing the practical implications of domestic violence research on law enforcement - 2008:
<http://www.ncjrs.gov/pdffiles1/nij/grants/222319.pdf>
- ▶ A federally funded study summarizing the practical implications of current domestic violence research for law enforcement, prosecutors and judges: <http://www.ojp.usdoj.gov/nij/topics/crime/intimate-partner-violence/practical-implications-research/welcome.htm>
- ▶ The San Diego Police Domestic Violence Unit website provides telephone numbers and other links to providers and programs:
www.sandiego.gov/police/about/domesticv.shtml
- ▶ Police Best Practices (CAN):
http://www.justice.gov.ab.ca/criminal_pros/downloads/2008/DV_Handbook_2008_BestPracticesForPoliceInvestigating.pdf
- ▶ Prosecution Best Practices (NV):
http://www.nvpac.state.nv.us/Domestic_Violence/DV_Best_Practice_Guidelines.pdf

Lethality Assessment

- ▶ The Maryland Network Against Domestic Violence has developed the Maryland Domestic Violence Lethality Screen and Protocol for First Responders, which offers practical methods of working with victims to assess and act upon the danger they may face. The LAP is used by law enforcement officers, other first responders, and professionals to identify high-risk domestic violence victims. <http://www.mnadv.org/lethality.html>

SECTION TWO: VICTIM ADVOCATES AND SERVICES

The cornerstone of domestic violence services is victim safety. When the movement to prevent domestic violence began 30 years ago, this concept created grass roots safe houses that became governmentally and privately funded shelters. Services have expanded beyond a safe place to sleep and three meals a day. Now, agencies provide group and individual counseling, legal advocacy, employment assistance, and transitional housing, among other vital services. These services are often also offered within residential settings to non-residents or may be offered in non-residential settings.

Running a successful victim service agency requires significant coordination among staff and local resources. Generally, the mission and policies of an agency must keep victim safety at the forefront. Staff must be trained in crisis management as well as long-term intervention strategies. Screening tools and risk assessments should be used to gain an understanding of the relationship and to acknowledge and address the risk of re-assault and/or homicide, with the knowledge that some victims initially withhold information and disclose more details over time. In order to address safety concerns, an individual safety plan is an essential part of victim services and should be completed in the first session for both residential and non-residential clients.

The Morrison Report listed several recommendations for advocates including: developing a guide for victims on how the criminal justice system works, offering varied services for victims including on-scene assistance, alternative housing, job training and child care; and increasing the number of advocates in the criminal justice system and the training they receive.

BEST PRACTICE IDEAS:

Advocacy

► A 142-page Best Practices Manual for Domestic Violence Programs published by the Arizona Coalition Against Domestic Violence (2000): http://new.vawnet.org/Assoc_Files_VAWnet/BestPracticesManual.pdf

► An overview of concepts critical to victim advocacy and options to increase protection: http://www.stopvaw.org/Victim_Protection_Support_and_Assistance.html

- ▶ Advocacy guidelines:

http://www.stopvaw.org/Advocacy_Guidelines.html?SEC={C6B05DA1-DE27-4CFA-B61A-C8796D1CF918}&Type=B_BASIC

Coordinated Community Response

- ▶ Maricopa Association of Governments (MAG) Model Guide for Developing Local Coordinating Councils on Domestic Violence. The model guide was created to assist communities wanting to initiate local coordinating councils and provide ideas for further action to existing local councils. The guide offers ideas, guidelines, resources, and tools to facilitate the process of forming and operating a successful coordinating council including step-by-step guidelines for getting started, developing strategic plans, and evaluating the effectiveness of councils.

http://www.mag.maricopa.gov/pdf/cms.resource/DV_model-guide.pdf

- ▶ This page offers an introduction to the concept of a coordinated community response, along with links to research regarding their creation, organization, and implementation:

http://www.stopvaw.org/Coordinated_Community_Response.html

- ▶ Advocacy in a Coordinated Community Response: An article highlighting three different coordinated community response programs in the United States: <http://www.ncdsv.org/images/Advocacy%20in%20a%20CCR.pdf>

Lethality and Risk Assessment

- ▶ A link to an article by Dr. Neil Websdale that examines lethality assessment tools:

http://new.vawnet.org/category/Main_Doc.php?docid=387

- ▶ A webpage containing an evidence-based risk assessment tool and a training course on its use:

<http://www.dangerassessment.org/WebApplication1/default.aspx>

Training

- ▶ A website with many resources and numerous training experiences. National Center on Domestic and Sexual Violence:

http://www.ncdsv.org/ncd_training.html

- ▶ The Arizona Coalition Against Domestic Violence is the statewide resource for training and information about domestic violence services and policy issues. www.azcadv.org

SECTION THREE: COURTS

The Morrison Report addressed a number of ways in which the courts could improve in their approach to domestic violence cases. The following references incorporate at least one or more of these possible improvements and suggestions. The report recommended that the specialized domestic violence courts now operating should be evaluated and their outcomes analyzed. It is hoped that a best practices guide for DV courts would result from these studies.

Consolidating a family's cases in front of one judge was another suggestion, and some of those models are included below. A frequent concern was the inability of courts to monitor misdemeanor offenders, either because of cost or volume issues. A review of some of the DV court models and the other articles will provide some unique ideas.

The authors of the "Systems Alert" study also suggested that sentencing practices should be strengthened, noting that all the players in the system except the judges had this concern. They recommended that offenders be supervised at the misdemeanor level – a challenge in these economic times. Domestic violence courts are achieving this goal in parts of the state, and a couple of misdemeanor courts do have probation monitoring units. We have included some references on sentencing and accountability as well. Included for every player in the system was a recommendation of expanded training in both variety and frequency. Some court training opportunities are included below.

BEST PRACTICE IDEAS:

Domestic Violence Courts

► PINAL COUNTY SUPERIOR COURT AND JUSTICE COURT

The intent is to intervene in domestic violence cases as early, effectively, and consistently as possible to prevent further offending and victimization.

The period of probation ordered will be at least three years for felonies and at least two years for misdemeanors (except class 2 and 3 misdemeanors). Upon successful completion of all requirements of the Domestic Violence Court program, the probation officer will, at his or her discretion, submit a

petition to modify the defendant's probation to standard probation supervision for the remainder of the term, or until the probation supervision may be revoked.

Defendants sentenced under the DV Court program will receive enhanced probation supervision by a probation officer/surveillance officer team. Supervision will be reduced as the defendant meets program goals.

All defendants sentenced under the DV Court program will be required to actively participate in and successfully complete a batterer intervention program at the direction of the probation officer. Should the batterer intervention provider determine, following a complete assessment, that there are no batterer issues to be addressed, the defendant's probation MAY be modified to standard probation supervision.

All defendants sentenced under the DV Court program will be ordered to serve a deferred jail term as part of their sentence. The presumption is that this jail term will be served as part of the sentence. However, the defendant's progress will be regularly reviewed through the DV Court program by a judge. If the defendant is doing well, a portion of the jail sentence may be postponed and may ultimately be waived at the discretion of the judge during the review. Prior to all progress review hearings, each case will be discussed off the record in a pre-hearing conference. Present at that conference will be the judge, the probation officer, the batterer intervention provider (in person or by written report), the prosecutor, and the defense attorney. (Court-appointed or privately retained attorneys may request that the Public Defender's Office be appointed for the limited purpose of review hearings and conferences.) For felony cases, all reviews will be set before Judge William O'Neil, regardless of which judge sentenced the defendant. Should probation revocation proceedings become necessary, those proceedings will return to the sentencing judge, unless the defendant waives that right.

Other conditions of probation under the DV Court program include, but are not limited to:

- a curfew to be set at the probation officer's discretion (so as not to interfere with employment or other program requirements);
- no alcohol at all and no frequenting of bars;
- based on the totality of circumstances, no contact with the victim directly or indirectly, without prior written approval of the probation officer; and

- no possession or control of weapons at all (for misdemeanor and felony cases).

Substance abuse or other mental health treatment, community restitution, financial restitution, and other conditions may be ordered as circumstances warrant.

All treatment programs will be at the defendant's own expense.

Neither completion of the DV Court program or batterer intervention nor serving all the jail time ordered as part of the original sentence, are a guarantee or a substitute for completing the entire term of probation ordered. If appropriate, a probation officer MAY petition the court for early termination of the term of probation originally ordered, but this will occur only in exceptional cases or circumstances.

This description was provided by the Pinal County Superior and Justice Courts. For more information, please contact:

Melissa Knight, Programs Administrator
Pinal County Court Administration
P.O. Box 1748
Florence, AZ 85232
Voice: 520-866-5436
Fax: 520-866-5401
MKnight@courts.az.gov

► PIMA COUNTY JUSTICE COURT DOMESTIC VIOLENCE COURT

The Pima County Consolidated Justice Court (PCCJC) DV Court is designed to provide effective and consistent handling of domestic violence cases from arraignments through post conviction. The court holds defendants accountable through every step of the judicial process and regularly solicits victim input.

All county misdemeanor domestic violence cases are arraigned in DV Court.

The DV Court judge assigns defendants with prior domestic violence convictions, multiple open charges, or who have other compelling circumstances, to the DV Court calendar and assigns all other domestic violence cases to other PCCJC judges on a rotational basis.

At arraignment, the DV Court judge appoints defense representation to those DV Court defendants who qualify and refers defendants who can

afford an attorney to the Pima County Bar Association, if needed, expediting the processing of cases.

Victim witness/DV Court advocates are present at every DV Court hearing, including arraignments, to meet with victims and inform them of their rights, the judicial process, safety planning, and community resources. Victims receive ongoing services and advocacy from DV Court advocates.

Judicial Security makes certain that victims are safe, often accompanying victims to their cars or staying with victims until the defendants have left the area.

Original no-contact orders are reviewed at arraignment and reaffirmed. The DV Court imposes immediate consequences for violation of these orders. The court hears Orders to Show Cause in cases where the prosecutor is made aware of no-contact violations.

The DV Court judge hears petitions for Orders of Protection from victims who have cases in DV Court.

The Adult Probation Department's Domestic Violence Unit provides specialized, enhanced supervision of all DV Court probationers. Probation sentences are 24 to 36 months.

Standard conditions of probation include no alcohol or drugs, random drug and alcohol testing, no firearms possession, state-mandated domestic violence intervention treatment, financial support of the victim and children, no contact or supervised contact with the victim in most cases, substance abuse or mental health treatment as needed, curfew/schedule at the discretion of the probation officer, and suspended jail sentences.

DV Court probation officers have regular, safe contact with victims and coordinate regularly with DV Court advocates and Emerge Center Against Domestic Abuse.

The DV Court uses monthly review hearings to monitor probationer compliance with the court's conditions and probation. Sanctions include imposition of partial or full suspended jail time, increased treatment and/or supplemental sobriety support meetings, placement in sober living/transitional housing or residential treatment, and increased frequency of review hearings.

Cases are considered for early termination from probation on an individual basis, with victim input, and after all treatment and other probation conditions have been completed or met.

The domestic violence treatment mandate remains in effect even in revoked probation cases.

The Domestic Violence Court presides over preliminary hearings on felony-charged domestic violence cases.

DV Court arraigns an average of 435-450 cases per quarter, and approximately 150 cases per quarter are assigned to remain in DV Court. The Adult Probation Department's DV Unit supervises an average of 175 DV Court cases, comprising three full caseloads per month.

The Pima County Justice Court Domestic Violence Court provided this description. For more information, please contact:

Honorable Jack Peyton
Pima County Justice Court
(520) 740-3505

► **GLENDALE TREATMENT COURT**

Glendale City Court staff blended judicial case processing with community resources to implement what may be Arizona's first specialized problem-solving court without probation services or additional staff. Treatment Court began operating in November 2004 to provide timely sentence reviews for all defendants convicted of DUI and domestic violence. Glendale City Court offered two Treatment Court calendars per month at inception. The program has now increased dockets to six times per month to accommodate rapid ongoing growth in participation. To date, more than 6,000 participants have been referred to Treatment Court with more than 3,000 successful graduates.

Judicial administration of these cases is achieved within a creative format solidly supported by U. S. Department of Justice research, which touts the successful outcomes of drug courts and other specialized treatment courts. Glendale City Court relied on those principles in the development of its Treatment Court.

Defendants are required to attend frequent court hearings at which they are rewarded for compliance by reductions in deferred jail days, decreased frequency of court appearances, praise from judges, and graduation certificates. Likewise, sanctions are imposed on noncompliant participants through the assignment of community service hours, intensified counseling, jail, or probation revocation. In 2004, Glendale City Court embarked on a

new phase within its Treatment Court to introduce the technologies of home detention/electronic monitoring and remote randomized alcohol breath testing for eligible participants.

Prior to each Treatment Court docket, the Treatment Court Team gathers in a staffing meeting to review participants' counseling status and decide whether rewards or sanctions are justified. The Treatment Court Team is comprised of the judge, a prosecutor, and a treatment counselor from one of the Court's contract agency for domestic violence and substance abuse treatment services. Justice Services, Incorporated, is responsible for providing information about the defendants' status during the briefing. All parties play significant roles in monitoring the legal, clinical, and social information gleaned through their respective case involvement. Such comprehensive monitoring translates into effective staffing sessions with the most current information readily available on each participant.

Each staffing meeting is followed by all defendants being personally addressed by the judge in the courtroom. Defendants are aware that the judge is taking a personal interest in their successful completion of the program. A Treatment Court contract, created each time a defendant appears in court, outlines all court requirements for successful progression through the Treatment Court Program, including the next court date. The next court date is typically between 30 and 120 days later, depending on case status. Participants are achieving a 10 percent higher rate of compliance than those sentenced in other limited jurisdictions without Treatment Court.

In many ways, Glendale City Court's Treatment Court Project supports the strategic initiatives of *Justice for a Better Arizona*. By holding all DUI and domestic violence offenders accountable through timely sentence reviews incorporating rewards and consequences, public trust and confidence in the courts has improved for victims, defendants, their families, and their communities.

This description was provided by the Glendale Treatment Court. For more information, please contact:

Kyle Mickel
Special Projects Coordinator, Glendale City Court
(623) 930-2439 kmickel@glendaleaz.com

Other Domestic Violence Court Resources

- ▶ Creating a Domestic Violence Court - Best Practices and Guidelines. This link leads to a 72-page guide to Creating a Domestic Violence Court, published by the Family Prevention Fund in 2002.
http://www.endabuse.org/userfiles/file/Judicial/FinalCourt_Guidelines.pdf
- ▶ The American Probation and Parole Association website offers guidelines, training, and a wealth of good information that can be used by probation officers or judges. (See the specific Domestic Violence link at the bottom left hand side of the web page.) www.appa-net.org

Ensuring Offender Accountability - Sentencing Issues

- ▶ The following report presents the findings from a study conducted to assess the impact of court-mandated review of domestic violence cases on compliance to batterer program referral and mandated in the Pittsburgh Domestic Violence Court. For more references on the issue of sentencing in domestic violence cases, see Section 3 on Domestic Violence courts and Section 4 on Offender Treatment

Gondolf, E. The Impact of Mandatory Court Review on Batterer Program Compliance www.ncjrs.gov/App/Publications/abstract.aspx?ID=236118

Expanding Training in Variety and Frequency

- ▶ The Family Prevention Fund offers DV training for judicial officers through the National Judicial Institute on Domestic Violence. This site offers descriptions of the classes, schedules, and applications. Very high quality classes and nationally known staff members. National Judicial Institute on Domestic Violence - classes for judges:
<http://www.endabuse.org/section/programs/judicial>
- ▶ A website with many resources and numerous training experiences. Many of the trainings are not directed toward judges, but there are some classes that would be appropriate, and the site has many other resources to offer. National Center on Domestic and Sexual Violence - training website:
http://www.ncdsv.org/ncd_training.html
- ▶ Recommendations from the California Domestic Violence Practice and Procedure Task Force, a study about the effectiveness of Domestic Violence Courts and many other good resources. Judicial Council of California - web page on domestic violence issues in the courts:
http://www.courtinfo.ca.gov/reference/4_18fam_dv.htm

- ▶ New Mexico Judicial Education Center - on-line course on intimate partner sexual violence: <http://www.njep-ipsacourse.org/index.php>
- ▶ A resource center on Domestic Violence: Child Protection and Custody, and many other useful links and resources. National Council of Juvenile and Family Court Judges - education, references, etc.:
<http://www.ncjfcj.org/content/view/20/94/>
- ▶ Ohio Domestic Violence Bench Book (2003):
<http://www.ocjs.ohio.gov/Publications/OCJS%20benchbook.pdf>
- ▶ Other state benchbooks and many other resources can be found at the National Council of Juvenile and Family Court Judges website:
<http://www.ncsconline.org/wc/CourTopics/ResourceGuide.asp?topic=FamVio>
- ▶ National Center for State Courts has interactive web-based courses on Domestic Violence - Challenges to Courts, Domestic Violence and Family Law cases, and many other resource guides:
<http://www.ncsconline.org/famviol/education.html>
- ▶ A 2008 federally funded study summarizing the practical implications of domestic violence research for judges and courts:
<http://www.ncjrs.gov/pdffiles1/nij/grants/222321.pdf>
- ▶ A federally funded study summarizing the practical implications of current domestic violence research for law enforcement, prosecutors, and judges: <http://www.ojp.usdoj.gov/nij/topics/crime/intimate-partner-violence/practical-implications-research/welcome.htm>

SECTION FOUR: OFFENDER TREATMENT

While the efficacy of batterer treatment programs remains a controversial topic, most national studies have failed to find significant effects lasting beyond the period of treatment itself.

Most of the batterer programs are based in the view that the fundamental motive that drives most offenders is a need for power and control over their victim over an extended period of time. This view maintains that serious domestic violence offenders are not motivated by simple anger or by arousal via substance abuse, but are engaged in a longer-term strategy to control the relationship, using violence as one tool. This approach, commonly referred to as the Duluth Model, often also incorporates a feminist critique that defines the vast majority of domestic violence as a crime of men against women. This model views U.S. society as a patriarchal system in which males' feelings of entitlement make them more likely to engage in domestic abuse.

For those reasons, most batterer treatment programs have consisted of weekly meetings in which – among other things – offenders are confronted with the “power and control” analysis, are exposed to the idea of male entitlement, and are shown how domestic violence is rooted in deeper issues than merely fleeting arguments or domestic pressures. The offender must accept responsibility for the crime if he or she is to progress. Such programs, which can last as long as a year, are sometimes required under the law, as they are in Arizona.

In recent years, however, some researchers and practitioners have begun to question the efficacy of batterer treatment programs. Some of these critics have objected to the feminist elements, especially those that place such heavy emphasis on male perpetrators and female victims. They argue that this analysis cannot explain violence among same-sex couples or account for an alleged high level of violence perpetrated by women on men. Some critics also maintain that most of the current programs have not been shown to be effective in reducing recidivism past the period of the program itself and object to what they say is a “one-size-fits-all” approach. Critics also question the usefulness of a system in which, in states like Arizona, most batterers who repeat the crime after having gone through a treatment program are sentenced to go through the program again.

Because of these uncertainties and differences of opinion, this report will not venture to advance any Best Practices in the area of offender treatment.

Instead, it will talk about the Morrison Report recommendations and provide a list of references and articles so that readers can educate themselves on this difficult issue.

Several recommendations in the Morrison Reports dealt with offender treatment. One suggestion was that the diversion programs currently operating around the state should be assessed and their efficacy and effect on recidivism should be examined.

Another recommendation was to evaluate treatment policies, programs, and practices. While DV counseling is a mandatory part of misdemeanor sentencing, the study showed that many players in the system were not convinced that the treatment model mandated by the Arizona Department of Health Services (DHS) was effective or was even applied consistently throughout the state.

Part of the problem with the treatment programs is the inability of many of the offenders to afford such extensive treatment, and the Morrison Report recommended that some form of assistance from the courts might be considered. The authors suggest that validated screening and assessment tools be more widely employed and acted upon early in the justice process. Some of those suggested tools are included below.

Offender Treatment References:

- ▶ An article by Edward Gondolf about batterer intervention:
<http://www.nationalcenterdvtraumamah.org/lib/File/Neuroscience%20and%20batterer%20programs-FINAL.pdf>
- ▶ An Indiana University of Pennsylvania website dealing with batterer intervention issues: <https://iup.edu/page.aspx?id=25653>
- ▶ Batterer intervention programs in California - a study:
<http://www.courtinfo.ca.gov/reference/documents/batterer-execsummary.pdf>
- ▶ National Council of Juvenile and Family Court Judges - education, references, etc.: <http://www.ncjfcj.org/content/view/20/94/>
- ▶ Articles from the National Criminal Justice Reference Service:
<http://www.ncjrs.gov/library.html>

Saunders, Daniel G., and Hamill, Richard M., *Violence Against Women: Synthesis of Research on Offender Interventions* (2003)

Klein, Andrew R, *Practical Implications of Current Domestic Violence Research* (2008) NIJ #222320

- ▶ Hass, Ralston, "Do Batterer Subtypes Actually Matter?" *Criminal Justice and Behavior*, 35:6, June 2008.
- ▶ Dalton, B., "What's Going On Out There: A Survey of Batterer Intervention Programs," *Journal of Aggression, Maltreatment & Trauma*, 15:1, 2007.
- ▶ Johnson, Michael P., "Conflict and Control: Gender Symmetry and Asymmetry in Domestic Violence," *Violence Against Women*, 12:11, Nov. 2006.
- ▶ Stark, Evan, "Commentary on Johnson's 'Conflict and Control,'" *Violence Against Women*, 12:11, Nov. 2006.
- ▶ Dutton, Corvo, "Transforming a flawed policy: A call to revive psychology and science in domestic violence research and practice," *Aggression and Violent Behavior*, 11, 2006.
- ▶ Dutton, Corvo, "Toward Evidence-Based Practice with Domestic Violence Perpetrators," *Journal of Aggression, Maltreatment & Trauma*, 166:2, 2008.

SECTION FIVE: DOMESTIC VIOLENCE RESOURCES

- ▶ The Arizona Coalition Against Domestic Violence is the statewide resource for training and information about domestic violence services and policy issues. www.azcadv.org
- ▶ A database of research, documents and resources on domestic and sexual violence: www.vawnet.org
- ▶ The mission of the Family Violence Prevention Fund is to work to prevent violence within the home and in the community and to help those whose lives are devastated by violence because everyone has the right to live free of violence. Their website provides resources, fact sheets, and up to date media information on domestic violence. www.endabuse.org
- ▶ The National Domestic Violence Hotline (1.800.799.SAFE (7233) 1.800.787.3224 (TTY)) is a 24-hour anonymous and confidential phone service to provide support and resources about domestic violence. www.ndvh.org
- ▶ The National Teen Dating Abuse Hotline (1-866-331-9474 | 1-866-331-8453 TTY). www.loveisrespect.org
- ▶ The mission of the National Council of Juvenile and Family Court Judges is to improve courts and systems practice and raise awareness of the core issues that touch the lives of many of our nation's children and families. They provide information and support on family violence. www.ncjfcj.org
- ▶ The American Bar Association has a Domestic Violence Commission that provides documents and resources for victims and criminal justice staff. www.abanet.org/domviol/
- ▶ The Minnesota Center Against Violence and Abuse has an electronic clearing house of information about domestic violence and other abuse issues. www.mincava.umn.edu
- ▶ The National Center for Victims of Crime – Stalking Resource Center provides training, technical assistance, and resources about stalking. Trainings are victim centered, research informed, and practice based. The Stalking Resource Center often partners with local and nationally recognized law enforcement officers, prosecutors, and other criminal justice professionals in providing training. Direct assistance is provided to build the capacity of criminal justice and victim services organizations to respond effectively to stalking. These efforts include the development of coordinated

community responses, effective stalking protocols and policies, accessing civil and criminal remedies, and enhancing services.

<http://www.ncvc.org/SRC/Main.aspx>

► The National Network to End Domestic Violence (NNEDV), a social change organization, is dedicated to creating a social, political, and economic environment in which violence against women no longer exists. NNEDV works closely with state domestic violence coalitions to understand the ongoing and emerging needs of domestic violence victims and works to make those needs understood by policymakers at the national level. The network provides training, technical assistance, innovative programs and strategic funding. www.nnedv.org

► National Domestic Violence Fatality Review Initiative:

<http://www.ndvfri.org/index.php?id=37965>

► 2007 City of Phoenix Domestic Violence Fatality Review Report:

<http://www.phoenix.gov/CITZASST/facdomvio.html>

► Family Justice Centers are one stop, co-located multi-disciplinary service centers for victims of family violence and their families:

http://justice.gov/archive/ovw/docs/family_justice_center_overview_12_07.pdf

► How to Prepare for an Order of Protection Hearing:

http://www.womenslaw.org/simple.php?sitemap_id=32

► Crime Victims' Guide (Office of the Arizona Attorney General):

http://www.azag.gov/victims_rights/Brochures/CrimeVictimsGuide.pdf

► Arizona Crime Victims' Rights Laws (Office of the Arizona Attorney General):

http://www.azag.gov/victims_rights/CrimeVictimsRightsLaws.pdf

► Victims Rights (Office of the Arizona Attorney General):

http://www.azag.gov/victims_rights/

CONCLUSION

This report includes only a sampling of the resources available to the various players in the criminal justice system in Arizona. It is especially valuable to have resources such as the Mesa Police Department's Center Against Family Violence, the Arizona Coalition Against Domestic Violence, and various domestic violence courts detailed above right here in our state. We encourage all of our readers to take advantage of these programs, contact the people involved and learn from their pioneering efforts. The other resources available online and elsewhere can guide all of us in our attempts to make Arizona a state where the problem of domestic violence is addressed in a sensitive, intelligent, and enlightened manner.

The Best Practices Committee hopes this is only a first step in a continuing effort to address the concerns related in the Morrison Reports. It is our suggestion that CIDVC keep the Best Practices Workgroup active so we may periodically receive suggestions on new projects and update this report.

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