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Overview

Some 27% of American women and 12% of American men have been victim to sexual violence, physical violence, or stalking by an intimate partner, resulting in 10% of all homicides\(^1\). Each year 480,000 visits are made to emergency rooms as a result of domestic violence\(^3\). Factors that qualify the effectiveness of Domestic Violence treatment programs include the following\(^4\):

- The simultaneous attempt to both punish and rehabilitate offenders;
- Lack of tailored programs to offenders’ varying needs;
- Victim blaming and “it wasn’t that bad” instead of offender accountability;
- Lack of collaboration among criminal justice officials;
- Lack of resources to understand offenders’ varying situations;
- Reacting to domestic violence instead of working to prevent it; and
- Treatments that offenders can just “go through the motions”.

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1. Prevent Domestic Violence in Your Community, Centers for Disease Control and Prevention
Prosecution rates for domestic abuse are low\(^5\), which endangers victims, but adding more severe punishment does not reduce recidivism\(^6\) and the coercive and demeaning situation can spark future violence and endanger victims even more\(^7\), particularly when the offenders seek to defend their self-identify as not “real” batterers\(^8\).

Being placed with other offenders may even train domestic violence perpetrators how to manipulate the criminal justice system and their partners, and hit but hide the bruises. Meanwhile, victims may feel coerced and out of control in the criminal justice system, and left without housing, economic support, and child care when offenders are jailed\(^9\).

This meta-analysis reports on the wide variety of criminal justice approaches taken at the US federal level, by the US states, and by foreign countries worldwide, showing which attempts to correct domestic violence offenders are common and which work.

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5 Criminal Prosecution of Domestic Violence Offenses: An Investigation of Factors Predictive of Court Outcomes, Criminal Justice and Behavior, 32(6), Henning & Feder, 2005.
9 Engaging a Systems Approach to Evaluate Domestic Violence Intervention with Abusive Men: Reassessing the Role of Community, Courtenay Wallpe, Portland State University (2010), pg 349.
Federal Government

Civil protection orders are the most common legal recourse that victims use to protect themselves from domestic violence\textsuperscript{10}, and federal law requires them to be respected in every state no matter where they were issued\textsuperscript{11}. These prevent stalkers from harassing them while allowing victims to keep custody of their children and live in their homes. Courts may require offenders to pay restitution, child support, or impose other more flexible penalties than criminal charges would bring\textsuperscript{12}. Even when offenders violate such orders, offender violence is reduced\textsuperscript{13} and victims feel more empowered and autonomous\textsuperscript{14}.

Unfortunately, a civil protection order, unlike a felony conviction, does not prevent an abuser from purchasing a firearm\textsuperscript{15}. Some 22\% of domestic abusers threaten to use a gun\textsuperscript{16}. When a domestic abuser owns a firearm, the abuse victim is six times more likely to be killed\textsuperscript{17}. Women who are killed by an intimate partner are more likely to be shot than all other means combined\textsuperscript{18}. In states that require a background check for every handgun sale, 38\% fewer women are shot to death by intimate partners\textsuperscript{19}.

Although healthcare screening has wide support, fewer than 40\% of domestic abuse victims are screened for violence and only 1\% receives information about resources for victims\textsuperscript{20}. This might be improved via collaboration with social workers, who are better trained in such issues\textsuperscript{21}, or with technology to facilitate screening\textsuperscript{22}.

In 1984, the Minneapolis Domestic Violence Experiment, funded by the National Institute for Justice, found that when officers encountering domestic violence had a choice between mandatory arrest, counseling by officers, or temporary separation with threat of arrest, arrest cut in half the risk of recidivism against the same victim over six months\textsuperscript{23}. Despite this finding, only seven states passed mandatory arrest statues for

\begin{thebibliography}{99}
\item Civil Protection Orders: A Guide for Improving Practice, National Council of Juvenile and Family Court Judges Family Violence Department, 2010
\item 18 U.S.C. § 2265
\item The Kentucky Civil Protection Order Study: A Rural and Urban Multiple Perspective Study of Protective Order Violation Consequences, Responses, and Costs, Logan, 2009.
\item Re-conceiving Civil Protection Orders for Domestic Violence: Can Law Help End the Abuse Without Ending the Relationship, Cardozo L. Rev. v29, Sally Goldfarb, 2008.
\item Saving Women’s Lives: Ending Firearms Violence Against Intimate Partners, Americans for Responsible Solutions, June 2014.
\item Hotline Firearms Focus Survey, National Domestic Violence Hotline, July 2014.
\item Uniform Crime Reporting Program Data: Supplementary Homicide Reports, US Department of Justice, Federal Bureau of Investigation, 2010
\item Using Technology to Expedite Screening and Intervention for Domestic Abuse and Neglect, Public Health Nursing, (26)1, Hawkins, Pearce, Skeith, Dimitruk, & Roche, 2009.
\item Lawrence Sherman, Policing Domestic Violence: Experiments and Dilemmas, 1992.
\end{thebibliography}
domestic violence in the next decade\textsuperscript{24}, and the 2005 Supreme Court Decision in Castle Rock v. Gonzales overturned mandatory arrests\textsuperscript{25}.

Mandatory arrests take choice away from victims who may not want an arrest and may thus make victims hesitant to call police when they know that an arrest is compulsory\textsuperscript{26}. Mandatory arrest laws also often lead to police arresting both batterer and victim\textsuperscript{27}.

Minority women may also hesitate to call the police to resolve violence, for fear of social stigma, being deported, or losing the financial contributions of their partner\textsuperscript{28}. This a problem when the criminal justice system is a society's only recourse to resolve domestic violence.

The workplace is very much involved, as between 36\% and 75\% of abuse victims are harassed by their abusers at work, and abuse victims are often absent from work or work with reduced productivity\textsuperscript{29}. Better employer training may allow employers to help both victims and perpetrators\textsuperscript{30}.

Community-based models, such as the Community-Based Interventions Project, where friends, family, neighbors, co-workers, and others are encouraged to be aware of and intervene in domestic abuse cases, are being tested in Canada, Australia, and the United States\textsuperscript{31}.

The federal STOP Violence Against Women Formula Program (STOP program) is a response to the Violence Against Women Act (VAWA) Act, passed in 1994 and reauthorized in 2000, 2005, and 2013\textsuperscript{32}. The US Department of Justice Office of Violence Against Women awards $135 million a year to STOP programs nationwide, funding 2,750 full time equivalent staff each year. STOP programs provide more than 850,000 services to victims each year\textsuperscript{33}:

- Fund crisis intervention and victim advocacy, resulting in more prosecutions
- Fund legal advocacy and representation for victims
- Help obtain civil protection orders for victims
- Provide transitional housing for victims
- Fund prosecutors where needed so domestic violence cases are not deferred

\textsuperscript{24} Battling Domestic Violence: Replacing Mandatory Arrest Laws With a Trifecta of Preferential Arrest, Officer Education, and Batterer Treatment Programs, American Criminal Law Review v51, Zelcer, 2014
\textsuperscript{25} CASTLE ROCK V. GONZALES (04-278) 545 U.S. 748 (2005) 366 F.3d 1093, reversed.
\textsuperscript{26} How Should the Police Respond to Domestic Violence: A Therapeutic Jurisprudence Analysis of Mandatory Arrest, Santa Clara L. Rev. v39, Dennis Saccuzzo, 1999.
\textsuperscript{28} Engaging a Systems Approach to Evaluate Domestic Violence Intervention with Abusive Men: Reassessing the Role of Community, Courtenay Wallpe, Portland State University (2010), pg 330.
\textsuperscript{29} Intimate Partner Violence, Employment, and the Workplace: Consequences and Future Directions, Trauma, Violence, & Abuse, v6(4), Swanberg, Logan, & Macke, 2005.
\textsuperscript{30} Work-related Intimate Partner Violence Tactics and Consequences: A Statewide Survey of Men in Oregon Batterer Intervention Programs, Mankowski, Galvez, Rollins, Hanson, Perrin, Glass, 2009.
\textsuperscript{31} Restorative Justice and Violence Against Women, James Ptacek, 2010.
\textsuperscript{32} STOP Program 2014 Report, US Department of Justice Office on Violence Against Women
\textsuperscript{33} STOP Program 2014 Report, US Department of Justice Office on Violence Against Women
- Fund special domestic violence courts that monitor offenders assigned to a batterers’ intervention program (BIP), which better ensures participation
- Fund 24/7 information hotlines
- Train and coordinate police, prosecutors, courts, victim services agencies, health personnel, mental health counselors, and other professionals
- Provide specialist services to rural, minority, disabled, and immigrant victims

The US Department of Justice Office on Violence Against Women has begun pilot programs in Delaware, Illinois, Minnesota, and Oregon courts to better identify victims of domestic violence and keep them safe, both through court proceedings and outside of them\(^\text{34}\). They have also announced cooperation with Native American tribes to train their prosecutors so that cases are tried locally or federally\(^\text{35}\).

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\(^\text{34}\) [Justice Department Selects Four Courts to Identify Promising Practices in Custody and Visitation Decisions in Domestic Violence Cases](http://www.usdoj.gov/ovw/index.cfm), US Department of Justice press release, November 2013

\(^\text{35}\) [Office on Violence Against Women Announces Agreements to Cross-Designate Tribal Prosecutors in Nebraska, New Mexico, Montana, North Dakota and South Dakota](http://www.usdoj.gov/ovw/index.cfm), US Department of Justice press release, June 2012.
Foreign Countries

Global


A European Union survey measures domestic violence in great detail. While it does not make policy suggestions, it highlights many problems that imply solutions. For example, only 26% of EU stalking cases are reported to the police, and only 50% of EU women are aware of campaigns against violence and the resources they offer.

Australia

The National Council to Reduce Violence against Women and their Children has published an overview of domestic violence laws in Australia.

Canada

Between 20% and 33% of Canadian domestic violence offenders re-offend, often within six months, but the Ontario Domestic Assault Risk Assessment (ODARA) can successfully predict the risk of recidivism. Tailoring of police responses using risk assessment by one police department reduced domestic violence calls by 99% and recidivism between the same offender and victim was reduced to 11%.

References

Canada has a Family Violence Prevention Program to focus on Native American reservations\(^\text{42}\), and a Domestic Violence Treatment Option Court, which decreases relapse rates from 28% to 20% but does not move other metrics\(^\text{43}\).

**France**

In France, it is also illegal to inflict psychological violence on a partner\(^\text{44}\).

**Germany**

In Germany, as in the United Kingdom, domestic violence is not handled specially under the law, instead being covered by laws about causing bodily harm, and 90% of cases of domestic violence are dismissed\(^\text{45}\).

**Ireland**

In Ireland, under the Domestic Violence Act 1996, police may prosecute a violent family member\(^\text{46}\). Victims are protected by a “safety order”, which does not oblige the offender to leave the home, but prohibits violence and threats, or a “barring order”, which does require the offender to leave the home. While waiting for a safety or barring order, victims can be given an immediate but temporary “protection order”, requiring the offender to leave the home.

**South Africa**

South Africa passed its first domestic violence and marital rape law in 1993 and then passed the Domestic Violence Act in 1998, which includes online harassment, psychological abuse, and the withholding of

\(^{42}\) Evaluation of the Family Violence Prevention Program, Aboriginal Affairs and Northern Development Canada, February 2012.


\(^{44}\) Current Legal Framework: Domestic Violence in France, International Models Project on Women’s Rights (IMPOWR), 2012.

\(^{45}\) Current Legal Framework: Domestic Violence in Germany, International Models Project on Women’s Rights (IMPOWR), 2013.

\(^{46}\) Barring, Safety and Protection Orders, Citizens Information Board, June 2015.
money to which victims are entitled (“economic abuse”), and those with a history of domestic abuse are restricted from owning a gun\textsuperscript{47}.

**Switzerland**

In Switzerland, domestic violence is not singled out in legislation, but instead covered under other laws against violence, even though 78% of female homicides were performed by intimate partners, with no telephone helpline and only 20 womens’ shelters\textsuperscript{48}.

**United Kingdom**

In Great Britain, a “Code of Practice for Victims of Crime” helps to protect and inform victims of what is happening during court proceedings, but the country does not have specific laws regarding domestic violence\textsuperscript{49}. Instead these cases are handled under general laws against murder, rape and manslaughter through to assault, harassment and threatening behavior.

However, the Serious Crime Bill (HL\textsuperscript{ [2014-15]} makes coercive control a specific criminal offense, and they do have Domestic Violence Protection Orders and the Domestic Violence Disclosure Scheme (Claire’s law), in which victims can ask police to do a criminal check on the offender for a history of domestic violence, though the police are not required to provide it\textsuperscript{50}. Also, the Domestic Violence, Crime and Victims Act 2004 requires local authorities to conduct a Domestic Homicide Reviews (DHR), a review their procedures for improvement, whenever a domestic homicide takes place\textsuperscript{51}. Recent recommendations to lower domestic violence have included improving data collection, risk assessment, and police training.

Under the Family Law Act of 1996, an “occupation order” can evict an abuser from a home, and a “non-molestation order” restricts an abuser further. The Protection from Harassment Act of 1997 adds non-harassment and restraining orders\textsuperscript{52}.

**US States**

**Nationwide**

Alaska, Connecticut, Delaware, Minnesota, Montana, Utah, Washington, and West Virginia have statutes that children being exposed to domestic violence constitutes child abuse or neglect\textsuperscript{53}.

\textsuperscript{47} Domestic Violence in South Africa, Institute for Security Studies, November 2014.
\textsuperscript{48} Switzerland: Violence Against Women Statistics, WAVE.
\textsuperscript{50} Domestic Violence, House of Commons Library, February 2015.
\textsuperscript{51} Domestic Violence, House of Commons Library, February 2015.
\textsuperscript{52} Domestic Violence, House of Commons Library, February 2015.
\textsuperscript{53} Children’s Exposure to Domestic Violence Constitutes Child Abuse and/or Neglect, FVDR, Feb 2014.
Family Violence and Domestic Relations Program (FVDR) of the National Council of Juvenile and Family Court Judges (NCJFCJ) has published for all US states:

- State definitions of domestic violence\(^{54}\),
- Their statutes relating to visitation rights in the case of domestic abuse,\(^{55}\)
- Rebuttable presumptions that custody is not in the best interest of the child and should not be awarded to a perpetrator of domestic violence\(^{56}\),
- How existing custody and visitation rights are affected by domestic abuse,\(^{57,58}\)
- Presumptions for ordering supervised visitation in domestic violence cases\(^{59}\),
- When courts can mandate mediation for child custody cases where domestic violence is present,\(^{60}\)
- How visitation rights may be modified by domestic violence when the victim parent has been forced to relocate\(^{61}\), or is in on military deployment\(^{62}\), and
- The duties of Children’s Protective Services in domestic violence cases\(^{63}\).

The Center for Disease Control and Prevention offers a study of the 28 US states that have batterer intervention laws, which assign family violence education programs\(^{64}\). Unfortunately, resource constraints cause gaps between the offense and the start of the batterer intervention program (BIP), and they may not work: 22% of American offenders with a history of domestic violence who kill their victim had previously been ordered to attend a batterer intervention program\(^{65}\).

A study in Washington State evaluated the effectiveness of Batterer Intervention Programs and their effect on families\(^{66}\), showing that for a multi-year program including follow-ups, that after 48 months, only 10% had reoffended in the past 12 months\(^{67}\), and even those who completed only two months had a 50% reduction in reoffending. BIPs can get men into treatment much faster than the months that a trial conviction takes, and a pretrial referral with the threat of court action reduced no-shows from 30% to 5%, with a completion rate of 70%.

\(^{54}\) State Definitions of Domestic Violence, FVDR, December 2013.
\(^{55}\) Conditions on Visitation in Cases Involving Domestic and Family Violence, FVDR, Dec 2013.
\(^{56}\) Child Custody - Rebuttable Presumptions, FVDR, December 2013.
\(^{57}\) Domestic Violence as Changed Circumstance to Modify Custody/Visitation, FVDR, Jan 2014.
\(^{58}\) Domestic Violence as a Factor to be Considered in Custody/Visitation Determinations, FVDR, 2013.
\(^{59}\) Presumptions Regarding Supervised Visitation, FVDR, December 2013.
\(^{60}\) Custody Mediation Where Domestic Violence is Present, FVDR, January 2014.
\(^{61}\) Relocation Because of Domestic Violence as a Factor in Residence, Custody, and Visitation Determinations, FVDR, December 2013.
\(^{62}\) Child Custody When One Parent is on Military Deployment, FVDR, February 2014.
\(^{63}\) Duties of Children’s Protective Services in Domestic Violence Cases, FVDR, November 2013.
\(^{64}\) Menu of State Batterer Intervention Program Laws, Center for Disease Control and Prevention.
As for other types of domestic violence treatment, the Washington State Institute for Public Policy initially found that domestic violence treatment programs had little or no impact to recidivism\(^6\), but a follow-up study showed that the Duluth model, Cognitive Behavioral Treatment, and substance abuse treatment, can have positive effects\(^9\).

A 24-hour census of domestic violence shelters showed that 67,646 victims were served in one day, and state by state, how victim needs may go unmet, with 28% of shelters reporting reduced government funding and 18% reporting that they do not have enough staff\(^7\).

A report by the Institute for Women’s Policy Research ranks US states on the statistics of a wide variety of domestic abuse offenses\(^1\).

A report by the Family Violence Prevention Fund lists state statues on domestic violence for all US states\(^2\).

**New Mexico**

A report by the Urban Institute finds extensive strengths and weaknesses of New Mexico’s response to domestic violence\(^3\), recommending better collaboration between professionals, community involvement, aiding nonprofits, and changing the culture of dismissing domestic violence by educating the community.

**New York**

A report by the Urban Institute studied specialized domestic violence courts in Kings County, New York, which includes Brooklyn\(^4\).

**Ohio**

Ohio domestic violence laws offer both civil and criminal protections for victims, including protective orders, civil lawsuits, child custody orders, and spousal support orders\(^5\). The Ohio Domestic Violence Network educates victims and helps them find resources such as shelters and legal advocates\(^6\).

**Wisconsin**

A 2008 referendum in Milwaukee was overwhelmingly approved to require private employers to offer paid “sick days” for all workers\(^7\). One argument advanced was that this would make it easier for full-time

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\(^7\) Domestic Violence Counts National Survey, National Network to End Domestic Violence, 2014.


\(^3\) Findings and Opportunities: Family Violence in Central New Mexico, May 2004.

\(^4\) Specialized Felony Domestic Violence Courts: Lessons on Implementation and Impacts from the Kings County Experience, Urban Institute, 2001.

\(^5\) Ohio Domestic Violence Laws, FindLaw.

\(^6\) Ohio Domestic Violence Network

\(^7\) Paid Sick Leave Referendum Wins Big, Journal Sentinel, 2008
employed victims to take time off from work when they are injured by domestic violence, and to access domestic violence services\textsuperscript{78}.

\textsuperscript{78} 
\textit{Paid Sick Days Initiative Would Support Milwaukee Victims of Domestic Violence.}
Policy Recommendations

Effective therapy for domestic violence offenders avoids self-identity issues of “being a bad person” and gives hope for their being redeemed. As much as 15% of attitude change can be attributed to therapist’s conveying a sense of hope, and another 30% to the offender and therapist having a good relationship, not a confrontational or punitive one\textsuperscript{79}.

Treatment should be scaled to a case worker’s assessment of the offense and offender. For example, one study found that Feminist Cognitive-Behavioral Treatment (FCBT) reduced recidivism (to 36%) in anti-social and substance abusing men, but worked less well than Process-Psychodynamic Treatment (PPT) with men having dependent personalities\textsuperscript{80}. Minorities participate more comfortably with treatment programs that are culturally focused\textsuperscript{81}, and programs that simultaneously attend to substance abuse programs show a significant decrease in future violence\textsuperscript{82}.

Stakeholders themselves recommend\textsuperscript{83}:

- Domestic violence training for religious organizations, hospitals, businesses, and schools;
- Employment assistance for ex-offenders;
- Neighborhood policing;
- Free drop-in youth programs;
- In-patient treatment programs for perpetrators;
- On-line registry of perpetrators;
- Enlist former perpetrators to shift community attitudes towards women;
- Require perpetrators to pay for their children to attend special summer camps in order to help break the cycle of violence; and
- Mandatory pre-marital counseling.

Extensive policy recommendations are made in Engaging a Systems Approach to Evaluate Domestic Violence Intervention with Abusive Men: Reassessing the Role of Community, such as Intimate Abuse Circle, which encourages friends and family to help if the victim and offender choose to stay together, and the Cultural Context Model, which draws counselors from the offenders’ cultural communities, but without evidence to support their effectiveness\textsuperscript{84}.

\textsuperscript{82} Marital Violence Among Alcoholics, Current Directions in Psychological Science, v5(6), Murphy & O’Farrell, 1996.
\textsuperscript{83} Engaging a Systems Approach to Evaluate Domestic Violence Intervention with Abusive Men: Reassessing the Role of Community, Courtenay Wallpe, Portland State University (2010), pg 352.
\textsuperscript{84} Engaging a Systems Approach to Evaluate Domestic Violence Intervention with Abusive Men: Reassessing the Role of Community, Courtenay Wallpe, Portland State University (2010).
The Centers for Disease Control and Prevention (CDC) says that their Dating Matters Initiative, which tries to prevent teen dating violence, is based on evidence, but doesn’t say what that evidence is. They have a community-based program for adults, too.