

VIOLENT NO MORE:

Intervention Against Women Abuse in Ohio

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INTRODUCTION

The Ohio Domestic Violence Network (ODVN), a coalition of eighteen (18) domestic violence programs committed to ending violence against women and children, was formed in 1989. As advocates for battered women, we are committed to the development of community-based systems that seek to end violence against women, to provide legal and social protections to victims of domestic violence, and to rehabilitate batterers while holding them accountable for their violence. Thus, we are delighted that *Violent No More: Intervention Against Woman Abuse in Ohio*, our first conference, offers participants the opportunity to learn about model justice and treatment systems targeted at the elimination of domestic violence.

The goals of ODVN are embodied in our mission statement:

"The ODVN believes that all people have a right to a violence-free life. ODVN is a cohesive, inclusive network of individuals and organizations from across the state which advocates with and for battered persons; produces and shows information; educates about options; and advocates social change."

In this manual, *Violent No More: Intervention Against Woman Abuse in Ohio*, we offer several papers, including an overview on the problem of domestic violence, a description of a coordinated domestic violence intervention system, a discussion of the essential components of a court-mandated treatment system, an overview of evaluation research on batterers programs, and information about batterer treatment programs in Ohio. The appendices are extensive and include a summary of the relevant law, the ODVN survey on batterer treatment programs, and a variety of forms that may be useful to professionals designing treatment/education programs for batterers. Please note that ODVN does not endorse the forms included but offers them as example.

For further information, the reader is invited to contact ODVN at P. O. Box 877, Russells Point, OH 43438.

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Carol Hawk dropped the rest of her life to transcribe this volume. Many, many thanks.

DOMESTIC VIOLENCE: AN OVERVIEW

Historical perspective. History reveals the scope of the problem of violence against women. For many years, wives were considered the property of their husbands. English Common Law gave husbands the right to beat their wives with any reasonable instrument. A "reasonable instrument" was later defined as one no thicker than a thumb. (Thus originated the phrase "rule of thumb.") Such laws were maintained throughout Europe and early America. It was not until the late 1800's that a few states rescinded this "right." For the next hundred years, even though the law no longer sanctioned wife beating, neither did it communicate that such violence was criminal behavior. Abuses against women were termed "domestic disputes" and such disputes were considered a private matter. Rather than arrest, the preferred course of action for law enforcement was separating the parties and mediating the dispute. As a consequence, domestic assaults have not been treated as seriously as other assaults in the criminal justice system; violence against intimates has been considered nuisance behavior, not crime. However, in the last decade the state of Ohio has adopted a variety of statutes which make it clear that domestic violence in Ohio is criminal and must be treated as such. These statutes specifically delineate the right of victims to be protected from domestic abuse. (See Appendix 1.) Additional legislative action is essential to eliminate domestic violence in Ohio. (See Appendix 2.)

Who are the victims? Domestic violence is not confined to any one socioeconomic, ethnic, religious, sexual orientation, racial or age group. Victims come from a wide spectrum of life experiences and backgrounds.

Research shows that the overwhelming majority of adult victims of domestic violence victims are women. This fact is reflected in requests for service from domestic violence programs where approximately 90% of the applicants are women. Given this, it is important to focus on the information available on battered women and male abusers.

The incidence of domestic violence remains high. Battering is the largest cause of injury to women, with a woman beaten every fifteen seconds in this country. An estimated 2.1 million women are victims of domestic violence at least once during an average 12 month time period; as many as 32% of these women are victimized again within 6 months. (Bureau of Justice Statistics, 1986) A majority of the women homicide victims in this country are killed by their partners. (Uniform Crime Reports, F.B.I.)

All women are at risk of being targets of domestic violence. There is no characterological/psychological profile that distinguishes battered women from non-battered women. (Hotelling and Sugarman, 1986)

Children of battered women. Many of the children who witness the battering of their mothers demonstrate significant behavioral and emotional problems, including psychosomatic disorders, stuttering, anxiety and fears, sleep disruption, excessive crying and school problems. (Hilberman & Munson, 1978) Ninety percent of abused boys and 75% of boys who witness battering have demonstrable behavioral problems. (Jaffe, 1986)

Following intervention at battered women's shelters, abusive tactics directed toward children by both the battering father and the battered mother have decreased by 20% or more. Most of the benefit resulted from women no longer living with abusive men. (Giles-Sims, 1985)

Leaving men who batter. Many people not involved with an abusive partner say that if their mates ever harmed them they would leave. Many battered victims remember the same resolve. Why do they stay? Why might they go back? Why do some permanently separate from abusers?

Domestic Violence Overview

There are serious factors which weigh on the battered woman's decision to leave. This is the man she loves, or has loved. The batterer may be the father of her children. Ending an intimate relationship is very difficult, even more so when self-confidence has been destroyed by the batterer. Battered women report the following reasons for staying with the batterer or leaving him.

- **Hope for change.** Many abusive mates become remorseful after inflicting violence. This contrite behavior may include promising never to hit again, agreeing to seek counseling if the victim does not leave, reminding the victim of how hard the perpetrator works, pointing out the incredible stresses under which he is operating, acknowledging the wrongfulness of his violence to the children and asking their help in stopping it, and demonstrating his love for her in meaningful ways. Since battered women are in committed relationships and have often built their lives around the relationship, they hope for change. When the batterer acknowledges the error of his ways, when he breaks down and cries out his despair, and concedes the need for dramatic change, hope is often born anew for battered women.
- **Isolation.** Many battered women lose their support systems. The batterer has isolated them. For example, a batterer may prohibit a battered woman from using the phone; may humiliate her at family gatherings, may insist on transporting her to work; may censor her mail, etc. Men who batter are often highly possessive and excessively jealous. They believe that they "own" the battered woman and are entitled to her exclusive attention and absolute obedience. The batterer knows that if the truth is told about his conduct, support persons will urge the battered woman to leave or seek assistance. Therefore, batterers quickly isolate battered women in order to sustain the power of their violence.
- **Societal denial.** Battered women fear that no one will believe their husbands or partners beat them. Batterers often are very ingratiating and popular men who keep their terrorizing, controlling behaviors within the family behind closed doors. The battered woman knows this, and it compounds her fear that no one will believe her. Battered women discover that many people and agencies in the community trivialize the impact of violence (e.g. doctors prescribe valium for coping; ministers recommend prayer and more accommodating behaviors; therapists advise better communications with the perpetrator, etc.) No one understands that she feels like a prisoner who might be severely injured or die at the hands of her jailer. She concludes that since they don't understand the seriousness of the violence, they will not support her disruption of the family.
- **Barricades to leaving.** Even when a battered woman decides to leave, batterers put up many barricades. Many threaten to seek custody of their children, to withhold support, to interfere with her employment, to advise prospective landlords that she is not creditworthy, to try to turn the children or family against her, to threaten to kill her or other family members if she leaves, to threaten retaliatory suicide, or in other ways to escalate his violence in an attempt to hold her in the relationship.
- **Belief in batterer treatment.** Battered women are reluctant to leave when their partners are in treatment. They believe the treatment will motivate them to make the profound changes necessary to stop their battering. Therefore, it is very important that battered women are referred to domestic violence programs so that they can gain full information about treatment programs for batterers and evaluate whether these programs are likely to effect the change that will make life safe for them. (Gondolf, 1988; Okun, 1986)

- **Dangers in leaving.** Many battered women believe that leaving is not necessarily going to make her life or the life of her children safer. Many battered women killed by their partners are killed after they have left or separated. (Cazenave and Zahn, 1986; Browne and Williams, 1987) (See Appendix 3.)
- **Economic autonomy.** But battered women do leave. The most likely predictor of whether a battered woman will permanently separate from her abuser is whether she has the economic resources to survive without him. Therefore, it is incredibly important that battered women obtain support awards in protection orders and are referred to battered women's programs where they can learn about other economic supports, job training and employment opportunities. (Gondolf, 1988; Okun, 1986)
- **Leaving is a process.** Most battered women leave and return several times before permanently separating from the batterer. Leaving is a process. The first time a battered woman leaves may be a test to see whether he will actually get some help to stop his terrorism. When he is violent again, she may leave to gain more information about resources available to her. She may then reconcile and begin to get some economic and educational resources together in case she decides that she must later leave. She may next leave to try to break out of the isolation in which the batterer has virtually imprisoned her. Most battered women eventually leave. (Okun, 1986) Leaving must be done in a way that does not further jeopardize the victim's safety. It is important to refer victims to domestic violence programs to develop plans for safe leave-taking. (See Appendix 4.)

Perpetrators. Misconceptions about batterers abound.

- Batterers are often described as men who are out of control when they batter. This is not true.
- Batterers choose the victim, time, place, violent tactic, and severity of assault, when committing domestic violence.
- It is believed that perpetrators batter when in a rage.
- While it is true that some batterers are very angry when abusive, many acknowledge that anger is not present in all abusive incidents. Anger is aroused when women do not respond to violence or the threat of violence as the batterer wants or expects.
- Many believe that batterers do not communicate their needs well.
- In fact, most batterers are excellent communicators and battered women are especially tuned into the communications of their abusers. Underlying the belief that batterers are poor communicators is an assumption that if their needs were being better met, men would be less violent. To the contrary, batterers as a class are more likely to have their individual needs met than non-batterers because victims carefully attend to addressing the unspoken needs of batterers in order to avoid being beaten. And yet, meeting all of the needs of a batterer does not stop his violence. Furthermore, no person should be forced to deny their own needs to meet the needs of their partner.
- Batterers are believed to be angry, nasty men.

Domestic Violence Overview

- Contrariwise, batterers are often some of the most ingratiating, pleasant, manipulative folks around.

(A recent example - the Department of Corrections in Indiana gave an abuser a furlough during his prison sentence. He was a very compliant, cooperative prisoner, well liked by inmates and staff. He was viewed as a rehabilitated, non-violent person. The prisoner was incarcerated for severely assaulting his wife. Despite requests by the district attorney and the battered partner for notice of any furlough, none was given. While on furlough, he traveled far outside the jurisdiction permitted him and killed his ex-wife.)

- Others say that batterers have low self-esteem.
- Research suggests that batterers do not differ from non-batterers related to self-esteem. Many believe that batterers have more chauvinist or sexist attitudes toward women than non-batterers. While the data is mixed on this issue, it is clear that batterers have a stronger belief in their entitlement to control their partners and other members of their families than do non-violent men. (Gondolf, 1988)

A man who batters assumes that:

1. He is entitled to control his partner and that his partner is obligated to obey him.
2. He is a moral person even if he uses violence against his partner.
3. He will get what he wants through his use of violence.
4. He will not suffer adverse physical, legal economic or personal consequences that outweigh the benefits achieved by his violence.

Long-term effects of domestic violence. The long-term effects of domestic violence have not begun to be fully documented. Battered women suffer physical and mental health problems. In fact, the emotional and psychological abuse inflicted by batterers may be more costly to treat in the short-run than physical injuries. (Straus, 1987) Many of the physical injuries sustained by women from abuse seem to be causing medical difficulties as women grow older. Arthritis, hypertension and heart disease have been identified by battered women as directly caused or aggravated by domestic violence earlier in this lives. (Corrao, 1985)

Battered women lose their jobs because of absenteeism due to illness as a result of the violence. Absences occasioned by court appearances also jeopardize women's livelihood. Battered women are often deemed unstable by their bosses and passed up for promotion. Battered women may have to move many times to avoid violence. Moving is costly and can interfere with continuity of employment.

Battered women often lose family and friends as a result of the battering. First, the batterer isolates them from family and friends. Battered women then become embarrassed by the abuse inflicted upon them and withdraw from support persons to avoid embarrassment.

Some battered women have lost their religious communities when separating from abusers because religious doctrine prohibits separation or divorce whatever the severity of abuse.

Many battered women have had to forego financial security during divorce proceedings to avoid further abuse. (Kurz, 1989) As a result they are impoverished as they grow older. (Marshall and Sisson, 1987)

We know that boys who witness their fathers assaulting their mothers are much more likely to abuse their wives/female partners when they are adults. Those boys who witness their fathers' abuse of their mothers are more likely to inflict severe violence as adults. (Hotaling and Sugarman, 1986) Data suggest that girls who witness maternal abuse may tolerate abuse as adults more than girls who do not. (Hotaling and Sugarman, 1986) These negative effects may be diminished if the child benefits from intervention by the law and domestic violence programs. (Giles-Sims, 1985)

No one deserves to be beaten. This is true regardless of age, sex, race, disability, socioeconomic status, religious affiliation or sexual orientation. People who are abused have a right to protection. Protection of victims requires intervention with perpetrators. The next paper will describe a model of a domestic violence intervention system.

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PCADV

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DOMESTIC VIOLENCE INTERVENTION SYSTEM: A MODEL FOR RESPONSE TO WOMAN ABUSE

Only in the last ten years have the citizens of Ohio begun to recognize the terrible toll that domestic violence has taken upon women and children in our communities and families. We have heard the voices of battered women, describing the indifference of our justice system to their plight. And we are now responding – "No more!" To achieve an end to violence against women in intimate relationships, those of us who serve in the justice system and those of us who have survived domestic violence have joined together to make social change – transforming our institutions to put an end to cultural supports for woman abuse and creating communities which are intolerant of domestic violence and which safeguard victims.

While many communities in Ohio have made exemplary, preliminary changes in a number of the relevant components of the justice system, ODVN has not identified a jurisdiction which has totally coordinated its institutions to safeguard victims and stop domestic violence. We are hopeful that many communities will expand their efforts in 1990 to implement comprehensive intervention in domestic violence. To facilitate these activities, we offer the following description of a model Domestic Violence Intervention System.

LAW ENFORCEMENT.

Perhaps it seems impolitic to suggest that this first component of a comprehensive domestic violence intervention system may be more critical than others, but since law enforcement is the sector which serves as the gatekeeper for the rest of the system and is the entry point for a substantial number of victims and perpetrators, the critical role of law enforcement must be highlighted. From the dispatcher to the Chief, the actions of law enforcement are pivotal to victim safety and perpetrator accountability.

- **Arrest deterrence.** Research reveals that arrest is the most effective response of law enforcement to domestic violence. The leading research in the field demonstrated that where police arrested perpetrators of domestic violence rather than separating the couple or mediating between the victim and offender, the arrested perpetrators were significantly less likely to recidivate within six months than those offenders with whom the police took conciliatory action. (Sherman and Berk, 1984) Further, victims of domestic violence who called the police were less likely to be assaulted again by their partners than those who did not. There was also no evidence that subsequent domestic violence crimes became more serious as a result of communication with the police. Thus, police intervention has a significant deterrent impact on domestic violence. (Sherman and Berk, 1984)

Experience also shows that officer safety is enhanced when responding officers approach a domestic violence crime scene with a preferred arrest perspective and when the decision to arrest or not is made quickly. (Pence, 1989)

- **Arrest policy.*** Each police department from the smallest, part-time force through the largest

* A model arrest policy was developed by the Pennsylvania Attorney General's Family Violence Task Force in 1989, entitled "Domestic Violence: Model Protocol for Police Response." For copies, contact Attorney General Ernest Preate, Office of Attorney General, 15th Floor, Strawberry Square, Harrisburg, PA. 17120, 717/787-3391.

Model Intervention System

metropolitan department should adopt a domestic violence arrest policy. A policy should either strongly encourage or mandate arrest of domestic violence perpetrators. Each police officer needs to know the philosophy of the department on domestic violence. Even more important is the procedural delineation of responsibilities and authority. While no policy is self-effectuating, that which is detailed, broadly disseminated, and conspicuously endorsed by management is the policy that provides clear guidance for law enforcement response. Carefully drafted directives on interviewing the parties, assessing probable cause, and affecting arrest can greatly facilitate effective practice by responding officers.

- **Dispatcher priorities and practice.** Whether dispatch priorities are assigned by a computer or set at the discretion of the dispatcher, high priority should be given to domestic violence calls. Domestic violence injures and kills more women in this country each year than muggings, rapes, and stranger assaults. Between 31 and 50% of all female homicide victims are killed by their partners (F.B.I. 1980-89; Browne and Williams, 1987).

Dispatchers should gather as much information as possible about the domestic violence incident and should communicate this to the responding officers. Dispatchers should check the Domestic Violence Registry to see if there have been prior calls related to the alleged perpetrator, victim, and/or address. The dispatcher should, likewise, check the Protection Order Registry to see if there is a current protection order. This information should be communicated to the responding officers.

- **Domestic Violence Registry and Protection Order Registry.** Each department should implement both registries. The Domestic Violence Registry should contain information about law enforcement response to domestic violence incidents catalogued by perpetrator, victim and address. It will be helpful to a responding officer to have a cursory history of domestic violence, including perpetrator use of weapons, injuries to victims, and assaults on police officers. Since the severity of domestic violence appears to escalate over time, the responding officer will be better equipped to safely intervene when apprised of the pattern of perpetrator violence.

Valuable information can also be gleaned from any protection order entered in the Protection Order Registry. The presence of an outstanding protection order suggests heightened danger to the victim and officer, and may provide law enforcement with additional authority for arrest.

- **Domestic Violence Incident Report.** Each officer that responds to a domestic violence call should complete a detailed incident report. If an officer decides not to arrest an alleged perpetrator, he/she should specifically articulate reasons for deciding not to effect an arrest. A copy of every Domestic Violence Incident Report should be furnished both to the prosecutor and the local domestic violence program for outreach and advocacy with victims.
- **Victim's Rights Notification.** The responding officer should advise the victim of legal rights she may have, including a civil protection order, a restraining order against victim intimidation, and crime victim's compensation. The victim should also be given a referral to the local domestic violence program and advised of shelter and victim advocacy services. The victim should be given a free copy of the Domestic Violence Incident Report and apprised that copies will be sent to the local domestic violence program and the prosecutor.

- **Transportation.** The responding officer should provide or arrange transportation for the battered woman or children to medical facilities or emergency shelters if the victim requires such services.
- **Comprehensive criminal charges.** The responding officer should charge the alleged perpetrator with all of the crimes entailed in the domestic violence incident. Care should be taken not to minimize the gravity of domestic violence offenses. Historically, there has been a tendency to classify domestic violence crimes as misdemeanors rather than felonies despite the presence of weapons and extensive injuries to victims. (Langan and Innes, 1986)
- **Arraignment advocacy.** Most domestic violence perpetrators are released on their own recognizance without any special conditions imposed on bail to afford victim safety. Officers present at arraignment should advise the court of the danger they believe the defendant may pose to the victim and suggest conditions of bail that will enhance victim safety. Requests for cash bail should be considered. Experience demonstrates that domestic perpetrators pose a more serious continuing threat of violence to victims during the pendency of charges than do stranger perpetrators.
- **Mental health assessment.** The mental health community appears resistance to any recognition that mental illness may aggravate domestic violence. Family violence perpetrators are less likely to be admitted to mental health services than non-family perpetrators. (Gondolf et al, 1989) Yet, research reveals that as many as 1/3 of the men committed to mental health institutions because of depression have homicidal fantasies focused largely on their partners and family members. Furthermore, about 1/3 of the men who kill their woman partners, then commit suicide; suggesting that suicidal ideation by a batterer is a high risk-marker for partner homicide. (Johnson, 1987) Therefore, law enforcement should carefully evaluate the mental health crisis of any domestic violence perpetrator and takes steps to assure victim safety.
- **Follow-up.** Each law enforcement agency should have a system for follow-up with victims to advise them of the charges approved, any bail conditions set, the release of the perpetrator from custody, and the availability of victim advocacy services. During follow-up, an evaluation should be made about victim safety and officers should encourage victims to engage in dangerousness assessment and safety planning with the assistance of the local domestic violence program. (See Appendices 3 and 4)
- **Training.** Recruits and veterans need regular training on domestic violence with input from domestic violence programs. This should include at least an overview of domestic violence with an emphasis on its impact on women and children, as well as clear articulation of the parameters of probable cause, use of force, authority to pursue, weapons confiscation, officer safety, relevant civil and criminal law, and victim services. (Hart et al, 1990; Pence, 1989; VSA, 1988)
- **Community education.** In community education and public relations material, each law enforcement department should address domestic violence and child abuse.
- **Hostage-negotiation plan.** National data informs us that between 75-90% of hostage-taking in this country is an outgrowth of domestic violence. Law enforcement agencies should develop specific plans for intervention in domestic hostage situations. Since batterers may take hostages at a domestic violence program, a system for coordinated efforts between law enforcement and the shelter should be implemented.

Model Intervention System

- **Disciplinary action and employee assistance programs.** Police officers are also perpetrators of domestic violence. Each department should have a procedure for response to domestic violence calls involving officer perpetrators. There should also be a system for corrective counseling and disciplinary action with officers who batter their partners and children. Safety of the public as well as the victim is jeopardized by officers who use violence in intimate relationships. Employee assistance programs should be put in place to afford officers the opportunity of specialized rehabilitation services.

VICTIM-WITNESS ADVOCACY.

Although many believe that victims of domestic violence are less likely to follow-through with prosecution than are victims of serious stranger violence, experience demonstrates that when there is a system of support for domestic violence victims, many are committed to the successful prosecution of batterers as long as this can be achieved in the context of victim safety.

- **Victim notification.** Victims of domestic violence must be instructed as to the role of the victim in the criminal justice process and the stages of criminal prosecution, as well as the right to be present and heard at all crucial stages to the extent that this right does not interfere with the constitutional rights of the accused.

Each victim of domestic violence should be notified promptly about any changes in scheduling which may affect her appearance at trial or post-conviction proceedings.

The domestic violence victim also needs to be apprised of the defendant's status from arrest through parole. She needs to be informed of the arrest, bail conditions, and charges lodged against the defendant. She should be advised of the release of the defendant from imprisonment on bail and for furloughs, emergency leave, work-release, escape, or discharge from incarceration.

- **Employer and creditor intercession.** The victim-witness program should offer to intercede with employers in order to minimize the victim-employee's loss of employment, pay and other benefits while participating in prosecution. Likewise, when domestic violence subjects the victim to serious financial strain, the victim witness program should offer to advocate with creditors for consideration in management of the victim's financial obligations.
- **Victim assistance.** The victim of domestic violence must be assisted in preparing any statements to be made at sentencing or at hearings concerning pre-release plans or parole.

The victim-witness program should apprise domestic violence survivors of the right to restitution as a condition of probation or parole. The program should assist victims of domestic violence in developing a comprehensive statement of losses resulting from the crime(s) of domestic violence. Restitution claims may be made for any costs resulting from the crime, such as lost wages; expenses for relocation of residence; childcare and transportation costs associated with prosecution; medical, counseling and other treatment fees; replacement costs of any destroyed property; and shelter or advocacy costs.

- **Crime victim compensation advocacy.** As of October 1, 1990, victims of domestic violence may not be denied crime victim compensation for losses sustained as a result of crimes committed by

their spouses/partners, unless the compensation would substantially inure to the benefit of the perpetrator. Although federal regulations compel compensation to victims of domestic violence, awards may still be difficult to achieve because of several legal hurdles that domestic violence victims must overcome. Therefore, careful monitoring of these applications and the bases for denial of awards must be made by victim-witness programs to assure just compensation of battered women and children.

- **Victim protections.** Victim witness programs must make sure that victims can participate safely in the prosecution of perpetrators. This means that victim witness programs must advocate for weapons searches of domestic violence perpetrators at all legal proceedings, safe waiting rooms for victims, modification of bail conditions, and the imposition of protective orders against victim intimidation.

PROSECUTION.

As law enforcement has adopted policies encouraging or requiring officers to arrest suspects in domestic violence incidents, there has been a substantial increase in the number of domestic violence cases submitted for prosecution. To expedite the handling of these cases, changes in prosecutor policy and practice are essential.

- **Specialization.** Prosecutors should establish domestic violence units in large offices or create specialists in smaller offices in order to permit vertical prosecution and the enhancement of expertise on domestic violence cases. Specialization has enhanced the success of prosecution. (Fagan, J., 1988)
- **Appropriate charging.** Historically, prosecutors have been reluctant to charge alleged perpetrators of domestic violence with felonies. Evidentiary standards have been higher in domestics. Not only is this disparity unwarranted, it is counterproductive. Domestic assailants are acutely dangerous. Domestic victims are entitled to the same quality of justice as victims of stranger violence. Therefore, effort must be made to eliminate discrepant practice in charging crimes of domestic violence.
- **Outreach efforts.** The prosecutor should review the Domestic Violence Incident Reports submitted by law enforcement in cases which did not result in arrest. Where the prosecutor concludes that prosecution is, nonetheless, warranted, he/she should attempt to contact the victim and consult about prosecution. Charges may thereafter be filed by the prosecutor or the victim.
- **Preliminary hearing prosecution.** Unless law enforcement has agreed to bear the burden of prosecution at the preliminary hearing, it is critical that a deputy prosecutor appear at preliminary hearings in domestic violence misdemeanor and felony cases. In many jurisdictions, the prosecutor leaves it to the victim to persuade the court that the elements of the crime charged have been committed and that the defendant is the perpetrator of these crimes. Battered women have neither knowledge of the evidentiary requirements nor of methods for producing evidence at preliminary hearings. Furthermore, even if a victim had the knowledge and skills, her fear of the batterer and the situation may be so acute that she cannot successfully prosecute the case. Prosecution will likely fail at this juncture unless the state's case is asserted by the prosecutor.

Model Intervention System

- **Investigation.** Battered women almost all claim that prosecutors never vigorously investigate their cases. The strong, empirical evidence of the chronic, escalating nature of domestic violence and its acute danger to victims compels a reordering of priorities and resources to improve the prosecution of domestic violence perpetrators. (Fagan, 1988)
- **Victim protection.** Where victims are besieged by defendants with pleas or threats to withdraw the prosecution, prosecutors must provide victim-witnesses with protection both to assure the safety of the victim and to expedite prosecution. In Ohio, the prosecutor can seek a temporary protection order on behalf of victims to direct defendants to cease and desist from any conduct which would interfere with the victim's participation in prosecution. Statutory protections available to crime victims are limited in Ohio and need to be strengthened.

Besides temporary protection orders, the district attorney can enlist law enforcement in victim protection strategies. Victims of domestic violence should also be eligible for witness protection programs when it is apparent that their lives may be in danger as a consequence of prosecution.

- **Property return procedures.** Law enforcement agencies and the prosecutor should promptly return a victim's property held for evidentiary purposes unless there is a compelling reason for retaining it. Requests should be made of the trial court for appropriate orders to expedite the return of property to victims, including permission for photographs of the victim's property to be used as evidence at trial when no substantial evidentiary issue related thereto is in dispute.
- **Victim consultation.** The prosecutor should develop guidelines for reasonable consultation with the victim advocate and/or the victim prior to entering into any plea bargain or dismissing a case.
- **Diversion programs.** The use of diversion programs as alternatives to prosecution or sentencing should be carefully evaluated. Victim discretion should be the guiding factor for sentencing disposition. Victim safety is paramount. Sentencing should be tailored to stop the violence.

Participants in diversion programs should be compelled to attend educational programs on domestic violence. Restitution should be paid during the period of diversion. Breach of the conditions of the diversion program should result in incarceration and any breach should preclude the removal of the charges or the conviction from the criminal record of the perpetrator.

Post-conviction diversion programs are preferred in domestic violence cases. Post-conviction diversion is that which is imposed after a guilty or nolo-contendere plea or conviction. Pre-conviction diversion is that in which prosecution on the criminal charges is deferred pending successful completion of diversion. If the participant fails in pre-conviction diversion, prosecution proceeds. Successful prosecution is difficult where the alleged perpetrator breaches the terms of the pre-trial diversion program and is brought on for trial. Thus, one advantage of post-conviction diversion is that the case is tried when it is fresh. Further, post-conviction participants are often better prepared for treatment because their denial about violence has been effectively disrupted. Also, the leverage over a convicted participant is greater. Sure and swift consequences of violence are most powerful for batterers. Revocation of probation, followed by incarceration, can be expedited in the post-conviction situation while it may take months for prosecution to be completed in consequences imposed in pre-conviction programs.

- **Self-defense protocol.** When perpetrators of domestic violence are not deterred from continuing violence against their wives/partners, the brutality of their violence often escalates to life-threatening proportions. (Browne, 1987) National research over the past 30 years has shown that when women use lethal violence against their partners, it is almost always to protect themselves or their children. (Browne and Williams, 1987; Cazenave and Zahn, 1986) Further, in the last 10 years women have killed their partners less, particularly in those states where comprehensive legal protections and social services are available. (Browne and Williams, 1987) Men, on the other hand, have been killing wives/partners in ever increasing numbers, especially after separation and divorce. (Browne and Williams, 1987)

Therefore, prosecutors knowledgeable about domestic violence should carefully design a protocol for investigation and charging in situations where women who have been the victims of domestic violence kill batterers. Where battered women have killed to protect themselves and prosecution does not clearly serve the interests of justice, discretion should be exercised against prosecution and the consequent re-victimization of battered women by the legal system.

LEGAL ADVOCACY.

Victim advocacy is a key component in the Domestic Violence Intervention System. Battered women who find themselves abruptly thrust into the legal system because of the violence of their partners, while often simultaneously seeking emergency shelter to protect themselves and their children, are swamped with new information and the demands for family management in acute crisis situations. Many people who are not terrorized by violence would find it difficult to address all of the issues impinging upon a battered women dislocated and endangered by violence. (Campbell, 1990) It is not surprising that victims may appear less invested in successful prosecution than law enforcement and prosecutors. Therefore, it is critical that advocates are available to battered women to help them understand legal process and to develop effective strategies for participation in the justice system. Legal advocacy for battered women includes:

- **Outreach.** Traditionally, those providing services for victims of domestic violence have not engaged in outreach; believing that battered women who are interested in shelter, counseling and advocacy services will contact domestic violence centers and that outreach to battered women may jeopardize their safety. However, since many battered women do not know about our services, are not acquainted with the particular activities of legal advocacy, or believe that they are ineligible for services, domestic violence programs have begun to engage in outreach to battered women to provide legal advocacy. When a battered woman has entered the legal arena, whether pursuant to police action or by her own initiation, her safety will be enhanced by discreet outreach and advocacy.

Outreach techniques vary. Some domestic violence centers have developed videos which are displayed in the office of court clerks where battered women seek protection orders. Some conduct clinics on protection orders and divorce to assist battered women in representing themselves in these legal matters. Some respond to domestic violence incident reports from police departments by calling or writing to victims. Some make home visits to victims whose partners have enrolled in batterer treatment programs. Some make visits to hospital emergency rooms when medical personnel have identified domestic violence. Some read the criminal justice columns of the newspaper and contact the partners of men who have been arrested for domestic assault or contact the women who have apparently used violence in self-

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defense. Outreach provides a support network and advocacy for those battered women whose lives have been publicly jeopardized by domestic violence.

- **Safety planning.** Each battered woman needs to construct a safety plan. Although victims are certainly competent to design plans independently of advocates, experience often lends substantial enrichment to any plan. Safety planning is an on-going process. Batterers continue to pose risks potentially forever and certainly until they believe the consequences of their violence outweigh the benefits. The first part of safety planning is reconstructing a history of the violence. The second is assessing the dangerousness of the batterer. (See Appendix 3.) The third is drafting various components of the safety plan. The fourth is rehearsal of the plan. Revisions follow, based on the battered woman's capacity to execute the plan, the legal protections afforded by courts, and the conduct of the batterer. (See Appendix 4)
- **Options counseling.** Victim advocacy includes informing battered women of the array of legal options and the procedures for exercising those options. Victim advocacy does not include giving legal advice. Battered women are referred to the prosecutor, legal services attorneys and the private bar for substantive legal advice.
- **Case investigation/preparation.** Law enforcement and the prosecutor are sometimes not able to devote the time and energy needed to comprehensively develop the evidence in criminal matters. The same is true for the private sector in civil matters. Therefore, it is very helpful for battered women to gather information and provide these justice system actors with a detailed chronology of events and circumstances. For example, a history of the incidents of domestic violence, coupled with a description of the patterns of violence, the injuries inflicted and the documentation available, is very helpful to an attorney representing a battered woman in a protection order proceeding. Some of the same history may be helpful to the defense attorney who is representing a battered woman who has used violence in self-defense. Battered women do not remember the events of their lives and the battering in precise, chronological order. An advocate can help the battered woman order the data for presentation to counsel.
- **Court accompaniment.** Court appearances are terribly frightening experiences for battered women. Many women fear that desperate batterers will fatally assault them at the courthouse. This has happened all too often. Others fear that they will be so terrified that they will not be able to speak or recall significant events when in the presence of the batterer. Those unrepresented by counsel fear that the attorney for the batterer will be so effective as to persuade the court not to give them relief. Court appearances are frightening experiences for which most battered women are unprepared. Court accompaniment by informed advocates serves to enhance the victim's physical safety, to provide emotional support, and to afford back-up consultation to counsel, when necessary.
- **Community.** Batterers uniformly isolate their partners. The embarrassment battered women feel about the violence further isolates them. Even those folks in the battered woman's friendship network who support her may grow tired when a battered woman is not seen to be decisive enough or when the helping/legal systems fail her. Therefore, part of victim advocacy is restoring battered women to a community of people who will respect, support and protect her. Certainly, part of this happens in shelter and in support groups. But advocates also work with family and friends to help them reconcile with the battered woman and support her in the process of seeking relief from the violence and in establishing herself as an autonomous woman/parent. Further, the advocate facilitates community between the battered woman and the actors in the Domestic Violence Intervention System. As these participants in

intervention grow to know and appreciate each battered woman, their actions on her behalf become more definitive; thus enhancing her safety and legal rights.

- **Systems advocacy.** Where there are inadequacies in any component of the legal system, systems advocacy may be necessary. For example, if statutory law is basically deficient on a point, advocates may draft and urge the adoption of legislation. If a prosecutor does not have the resources to provide prosecutors at preliminary hearings, the victim advocate may expose the inadequate level of funding of the prosecutor's office and urge local government to increase resources. When a judge continues to place batterers in diversion programs where they have a history of criminal violence, the advocate may be able to persuade the bench to adopt local rules to eliminate this practice. If crime victim's compensation is not awarded promptly, advocates can seek administrative change to expedite awards. Without systems advocacy the problems of the legal system may cause such discouragement of victims and resentment in other intervention system components that the system will fail. Systems advocacy is essential.

JUDICIAL PARTICIPATION.

The judiciary can play a crucial role in a Domestic Violence Intervention System. Judicial recognition of the gravity of domestic violence sends a clear and compelling message to the perpetrator, the public and to other actors in the justice system. (Goolkasian, 1986)

"The judge told him, in no uncertain terms, that the law doesn't allow him to assault me just because I'm his wife. He said that he'll send him to jail if he's brought back for another offense. Right here in the courtroom... you should have seen the look on his face. I think he knew the judge wasn't kidding, and that's when he decided to do something about it."
-- a formerly battered woman (Goolkasian, 1986, Pg. 1.)

When the bench is serious about domestic violence, the rest of the justice system cooperates.

Criminal matters

- **Pre-trial restrictions/requirements/recommendations.** Recognizing the danger to battered women during the pre-trial period, during which time batterers routinely harass and threaten victims for cooperation with prosecution or retaliate with life-threatening violence, judges are beginning to act to better safeguard the victim and compel the lawful behavior of defendants prior to trial. One important method of victim protection is limiting the defendant's access to her either through bail conditions or "no-contact" orders. The most effective method is pre-trial detention which may be imposed for violation of conditions on bail or a temporary protection order statutes. Some judges have terminated the practice of releasing defendants on their own recognizance in domestic cases where they would have required cash bail of perpetrators of stranger violence. Arraigning judges have also required the appearance of the defendant at arraignment in those jurisdictions where an appearance might otherwise be excused; believing that the appearance will serve as a reminder of the potential consequences of future violence and may, therefore, deter pre-trial violence directed at the victim.

Judges have also discovered that some batterers are receptive to referrals to drug and alcohol or batterer treatment programs when recommended by the court. Batterers may enter a treatment in order to gain leniency at sentencing in the event that they are convicted.

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- **Expert testimony.** The general public, including jurors, harbor many misconceptions about domestic violence, and this information shapes their participation on the jury. In order to fairly weigh the evidence presented to them, jurors must be disabused of those false notions which they hold as truth. Expert testimony can describe the dynamics of domestic violence and the complexities of that experience so that the jurors have the opportunity of informing their deliberations with data produced by scientific inquiry.

One of the issues often raised by the defense in domestic violence questions to attack the credibility of the victim-witness is – "If he was so dangerous and she was so afraid, why didn't she leave?" Even when instructed by the court that the question is not relevant and must not be considered, jurors report that it is often a pivotal question. An expert can address the question of the consistency between abject terror and remaining with the batterer. For example, they could describe the phenomenon of "separation violence" and its increased potential for lethality; thus, demonstrating it may be reasonable for a battered woman to conclude that it may be more dangerous to leave or to appear to be leaving than it is to stay and accommodate the batterer. (Mahoney, 1990; Ellis, 1987)

- **Sentencing.** Judges have been reluctant to incarcerate batterers. Men who injure and terrorize their families have not been recognized as engaging in criminal conduct nor have they been viewed as dangerous. Despite irrefutable data to the contrary, they have not been identified as recidivists. Further, with jail overcrowding, cells have been saved for offenders committing stranger violence and property crimes. (Fagan, 1988) Seventy percent of the serious child abuse is committed by fathers or father surrogates, as is 80% of child homicides. (Bergman et al, 1986) Batterers commit upwards of 50% of all female homicides. Violence unchecked, escalates in severity. (Browne and Williams, 1987)

Sentencing should be carefully tailored to enhance victim protection. If the foremost goal of an intervention system is to protect victims, then incarceration ought to be utilized. It is the best method for denying a perpetrator access to a victim and deterring his violence. It must be acknowledged that there has been no research undertaken on the efficacy of shock detention or protracted incarceration as deterrence to recidivism of batterers. Clearly, this is because of the reluctance to incarcerate. However, investigation of the merits of incarceration coupled with treatment could be undertaken by an intervention system.* There is no reason that batterers should be exempt from incarceration, and there may be value in short-term incarceration for some.

Most assuredly, treatment for batterers should be built into conditions on probation or parole. Many batterers will benefit from drug and alcohol treatment. If a batterer is addicted to

* For example, all batterers convicted of simple assault as first time offenders could either be incarcerated for 14 days followed by mandated treatment in the community, or incarcerated for 14 days subject to 2 hours of batterer education seminars daily, or placed in a post-conviction diversion program which mandates 14 weeks of batterer education or subjected to 14 day shock detention or post-conviction diversion without any treatment. At the anniversary of the batterer's conviction, the court could require that the probation office provide information on recidivism as reflected in police reports and victim statements. Subsequent inquiry about recidivism could be conducted at the second and fourth anniversaries as well. This intervention experiment would give courts valuable information about preferred sentencing with first offense batterers.

alcohol or other drugs, he may need to complete detox and inpatient treatment before he is capable of benefiting from a batterer education or treatment program.

Restitution is often neglected. Courts should award generous restitution and should institute systems to assure prompt collection and distribution. (See **Victim-Witness Advocacy** above, for a delineation of potential victim restoration through restitution.)

Community service might be also be an element in a comprehensive sentence. Since most batterers represent little risk to anyone other than their family members, service at a homeless shelter, at a food bank, at the children's home, on recycling projects, on landscaping crews, at youth athletic leagues, at nursing homes, etc. might provide the batterer with a reminder of the importance of refraining from his violence and perhaps even provide him with motivation for change. It should be noted that this list does not include community service to the domestic violence program. Any community service to assist programs for battered women and children should be tailored to protect the safety and confidentiality of recipients. There may be work that a domestic violence program would like to undertake through community service, but often the risks outweigh the benefits.

Finally, sentencing should expose the batterer to regular and consistent monitoring by probation staff. Experience across the country has demonstrated that batterers who must report regularly, often weekly, to a probation and parole agent are less likely to recidivate during a period of probation or parole than those who are under minimal scrutiny. Thus, a system for regular reporting and monitoring should be imposed. (Pence, 1985)

Civil matters

- **Comprehensive relief.** Protection order statutes around the country have been drafted to afford victims of domestic violence the critical relief needed to escape the physical assaults and terrorism inflicted by batterers. Legislators recognized that it was not merely enough to enjoin the perpetrator from further abuse. Batterers had to be denied access to family and household members that they abused. Eviction of the perpetrator from the family home, prohibitions against communication with the victim, provisions limiting the batterer's geographical mobility, awards of temporary custody and support, all were incorporated to minimize batterer access. Each of these access limitations was seen as a compliment to the other and as an essential component of a protection plan authorized by the court. With all of these carefully incorporated in protection orders, the batterer has virtually no legitimate reason for communicating with or contacting the battered woman. These provisions provide victims the best protection. (Ellis, 1987)

Some statutes have gone further in protecting victims from batterer access. They specifically direct courts not to disclose the address of domestic violence programs or of victims. When battered women apprehend that their husband/partner is desperate and may be contemplating homicide, they often seek to keep the location of their residence confidential. Courts can direct that court personnel, law enforcement and school districts not disclose the address of the battered woman or children to any third party. If this confidentiality is maintained, battered women will have some additional relief against batterer access.

It has also been helpful for courts to specifically delineate those times when the batterer can have access to the children and if that access is to be supervised.

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- **Instructions on enforcement.** In many jurisdictions it has been useful to specifically direct police to arrest a batterer upon a determination that probable cause exists to believe that he has violated a protection order and/or committed other substantive crimes. While the authority and mandate for arrest may be in statutes, law enforcement seems to respond more uniformly to specific directions from the judiciary to enforce protection orders. Beyond this, the specific instructions notify batterers of the ramifications of violation of protection orders. When consequences are certain and swift, batterers maintain better compliance with protection orders. (Pence, 1985)

BATTERER EDUCATION/TREATMENT.

Please see the following sections and the appendices of this manual for delineation of the role of batterer education/treatment programs in a comprehensive Domestic Violence Intervention System.

PROBATION AND PAROLE.

The role of probation and parole offices in a domestic violence intervention system has yet to be fully realized. The probation and parole officer is the person in the intervention system who may have the greatest number of contacts with the batterer for the longest time period. Therefore, it is critical that probation and parole personnel are unequivocal in their intolerance for domestic violence crimes and in support of victim safety. Work undertaken by probation and parole offices might include:

- **Domestic violence assessment.** Since the mandate of the probation and parole office is to help those on their caseload to avoid any violation that might result in revocation of probation or parole, every participant should be assessed for a history of domestic violence. Those probationers or parolees who use domestic violence are likely to be program failures. Those who are victims may experience obstacles to successful participation because of domestic violence. Therefore, a history of domestic violence should be explored. When a pattern of coercive violence in the family is identified, offenders should be considered for a batterer education/treatment program and for enrollment in any specialized probation/parole program for perpetrators of domestic violence. Partners of these men should be specifically referred to domestic violence services, as should participants who are, themselves, victims.
- **Sentencing investigation.** When the presenting conviction is for a domestic violence crime, sentencing investigation should gather the information delineated in Appendix 8, *Intake Checklist*. Screening should also obtain information from the police or the victim regarding aggravating circumstances, including the frequency and pattern of domestic violence, any criminal record for either stranger or domestic violence, injuries sustained by this or other victims, and threats directed against victims during the pendency of prosecution. During the investigation phase, the victim impact statement should be completed and the pre-sentence investigator should explore the propriety of imposing various conditions on probation or parole to enhance victim safety. These might include excluding the offender from the marital or partnership domicile; a directive against interference with the victim's use of marital property for the duration of probation/parole; a condition directing that the perpetrator refrain from harassing his wife/partner by physical force, mail, telephone or third parties; and/or a "no-contact" order. Besides considering conditions to facilitate victim safety, the officer might consider the merits of batterer education/treatment programs and community service for the offender.

- **Specialized Services.** A specialized program for work with batterers should be set up in each office. A protocol should be designed to facilitate the rehabilitation of batterers and the safety of battered women. Staff should be particularly trained for working with this population. For example, besides batterer education/treatment programs, offenders might be subjected to close scrutiny involving regular reporting to the probation and parole office to complete reading and written assignments on domestic violence. Periodic and unannounced home visits may improve batterer compliance. Specialized staff should be trained in dangerousness assessment and crisis telephone communication with battered women. They should know about emergency mental health commitments when someone on their caseload appears to be experiencing a mental health emergency, whether it is acute depression or homicidal ideation. Officers should not be reluctant to involve law enforcement in responding to reports of on-going domestic violence. New charges should be filed for any substantive crime committed in violation of the conditions of probation/parole. Officers should take care for their own safety when intervening with a batterer who is alleged to be using violence again.
- **Revocation.** Technical and substantive probation/parole revocation should be pursued where a batterer represents a clear and present danger to his partner. Wherever possible, the perpetrator should be detained prior to the revocation hearing. If the victim is not cooperative with the revocation, probation/parole might seek to proceed through independent testimony/evidence.
- **Victim assistance.** Partners of offenders should be fully acquainted with the benefits and limitations of probation/parole services, and staff should be prepared to give informed referrals to domestic violence programs. Each time that an officer has contact with a partner of a batterer, an assessment of dangerousness should be made. (See Appendix 3.) Officers should encourage battered women to continue with development of safety plans throughout the period of probation/parole. (See Appendix 4) Although domestic violence programs should provide the primary services for victims, officers should be prepared to provide emergency services to assist the victim to safe shelter and advocacy services.

SYSTEMS COORDINATION.

In most effective domestic violence intervention systems there is a coordinator or manager who works to maintain the efficacy of coordinated agency intervention. Without this coordinator, research informs us that systems begin to revert to prior practices, endangering battered women. (Fagan, 1988; Berk, 1982)

An intervention system is experimental in nature. It needs to be tested and revamped periodically. As case and statutory law are modified, policy and procedures must be modified in agencies in the intervention system. Changes cause ripple effects throughout the system and require parallel modifications. This oversight function works best if all agencies in the system authorize the coordinator to undertake these functions. Typically, this coordination function has been performed by the domestic violence program.

CONCLUSION.

We have learned that the conjoint and parallel efforts of all the components of a domestic violence intervention system are essential for justice and safety to be achieved. We are hopeful that the legal

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system in many communities in Ohio will strategically expand efforts in 1990 to implement comprehensive intervention in domestic violence situations. ODVN welcomes feedback from justice system participants. We are willing to provide consultation upon request. Please contact ODVN at P.O. Box 877, Russell Point, OH 43348.

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1990

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ESSENTIAL COMPONENTS OF A COURT-MANDATED TREATMENT SYSTEM

This paper will first focus on essential components of education/treatment programs for men who batter. Then, since the efficacy of these programs is substantially impacted by the community context in which they are located, attention will briefly be directed at essential activities and structures in critical counterparts in the domestic violence intervention system.

BATTERER EDUCATION/TREATMENT PROGRAMS.

Philosophy. Education/treatment programs for men who batter are founded in the recognition that men batter to achieve and maintain power over their partners. Battering is instrumental behavior that may be the most effective method to gain power and control over intimate partners. This culture has sanctioned men's use of violence to maintain dominance in relationship with their wives/partners. Historically, men's violence within the context of the family was tolerated and protected as appropriate male prerogative.

In communities where the justice system, advocates for battered women and other human service institutions have concluded that violence in the family must be eliminated, professionals have joined together to create domestic violence intervention systems to stop woman abuse. One vital component in the complex intervention approach is education/treatment for perpetrators.

Education/treatment programs for men who batter maintain that perpetrators of woman abuse are solely responsible for their actions. They reject notions of provocation or loss of control, and assert that batterers carefully select the target of their abuse, their wives/partners, and choose the circumstances of their violence, including the amount of injury inflicted by their assaults, the location of those injuries, the use of weapons, the presence or absence of witnesses, and the quantum of terror accompanying the assaults.

As batterers choose violence, they can also choose to stop violence and eliminate coercive and controlling tactics in their relationships with intimates. Education/treatment programs are charged with helping them consider the choice of ceasing abusive behavior and embracing belief systems respectful of women; recognizing that the decision to forsake violence rests exclusively with the perpetrator. Batterers' programs also offer men a window of opportunity to learn alternatives of mutuality, shared decision-making, interdependence in relationships, and egalitarian distribution of power in intimate partnership.

Education/treatment programs for men who batter are committed to victim safety, and therefore, structure each component of their work so as not to jeopardize the victims/partners of those in treatment.

Court-mandated education/treatment programs appreciate the sensitive nature of their services; particularly as they are often an alternative to incarceration for the domestic violence offender making his first appearance before the courts. Thus, most programs clearly maintain that the batterer who is violent toward an intimate during treatment or who fails to otherwise comply with his treatment contract should face swift and certain incarceration.

Finally, while recognizing interactive responsibility to the courts, the justice system and all other agencies cooperating in a domestic violence intervention system, programs for men who batter

Court-Mandated Treatment

acknowledge that they are ultimately accountable to battered women and, therefore, design and evaluate their work in consultation with battered women and domestic violence programs.

Goals of education/treatment. The goals of programs for men who batter are several:

- To end domestic violence.
- To enhance victim safety, independence and autonomy.
- To teach alternatives to coercive, dominating and violent conduct in intimate relationships.

Ethical standards for education/treatment programs and providers. The State of Colorado has adopted ethical standards for treatment providers that have been utilized by many programs for batterers around the country. They include:

- Providers should be violence-free in their own lives.
- Providers should be free of criminal convictions involving moral turpitude.
- Providers should not communicate or act in ways that perpetuate attitudes of sexism and victim-blaming.
- Providers should not abuse drugs or alcohol.
- Providers should immediately report additional violence or threats of violence perpetrated by any client involved in court-ordered treatment to appropriate authorities in the criminal justice system.
- Providers should report that a child has been subjected to abuse or suspected child abuse or neglect by a client, as required by state law.
- Providers should maintain open communication by discussing disagreements, problems and issues directly with personnel in the agencies involved in the domestic violence intervention system.
- Providers should warn the victim if they believe that the victim is at risk.

Intake authority. The program must have ultimate authority over selection of education/treatment participants and development of treatment plans for those accepted into the program. This is both a program management issue and a treatment issue. The demand for abuser services usually skyrockets where there is court-mandated treatment. Resources are never as abundant as the demand. There is insufficient funding and there are not enough trained specialists to provide services to every batterer who might be referred through the courts. New therapists/educators require intensive training and supervision; so expansion must be carefully paced.

Control over group composition is essential for effective services; some batterers are not ready for abuse education/treatment and require other counseling/recovery work first. Others are not likely to benefit from treatment either because of characterological deficits or psychological pathology. Those having rejected prior treatment opportunities may be given low or no priority for service. Others who are career criminals with histories of violent conduct may be inappropriate for education/treatment.

Education/treatment programs for men who batter may design their services around short-term educational formats or may undertake comprehensive treatment initiatives. Format is a question both of resources and philosophy. If a program decides to engage in comprehensive work with men who batter, the program should have oversight authority for developing and overseeing any treatment plans. A candidate for treatment might first need detox, then brief education about woman abuse and its consequences to perpetrators and victims, then residential D & A treatment, followed by long-term treatment in the batterer program, coupled with community service – all before completion of the plan.

Intake requirements. Intake for a short-term educational program may be somewhat more abbreviated than for long-term treatment. Primary attention should be focused on obtaining a complete history of violent and controlling conduct. Any criminal record should be detailed, including the number of times the police responded to a domestic dispute in which the applicant was involved, the number of arrests for domestic or other violent crimes, the number of convictions for these offenses, the time served and any treatment received in connection with these convictions. Patterns of violence should be identified. If there is a current civil protection order or a criminal temporary protection order, copies should be submitted before intake is completed. If there are conditions imposed upon probation these should, likewise, be furnished. A history of any child abuse, mental illness, and drug or alcohol addiction/treatment should be provided. Failure to furnish this information should result in a termination of service and a report back to the court. (See Appendix 9, Selection.)

Selection guidelines. It is critical that an education/treatment program develop and maintain criteria for the selection or rejection of court referrals. When referrals are rejected, the program should provide the court with a brief description of the reasons for rejection and conditions that might make acceptance possible in the future. The rejected candidate should, likewise, be apprised of this information.

Dangerousness Assessment. During intake an assessment should be made of the applicant's potential for harm to himself, his battered partner and others. (See Appendix 3) Periodic assessment of lethality should be made throughout treatment.

Warning and Protection Guidelines. Each batterer's education/treatment program should adopt guidelines for warning the victim, notifying the police and intervening with the batterer at such time that the staff concludes that a client may be dangerous to himself or others. When program staff conclude that the client may have committed himself to a plan for homicide or suicide, the battered woman and any other intimate partner of the batterer should be notified. The program should make every effort to contact her at home, at work, or through friends and family. The police should also be alerted. They may have to be educated about the connection between a batterer's ideation about suicide and homicidal action. The guidelines should specify when involuntary commitment to a mental health facility might be utilized as a protective intervention.

Should intake or any other assessment reveal that a batterer presents as lethal, the court should also be advised through the probation and parole office with recommendations for expansion of probation/parole conditions to constrain the batterer and safeguard the victim.

Guidelines should address situations where a batterer appears to be at a heightened risk for violence but is not apparently homicidal. For example, when a batterer is particularly agitated during a group and appears to be leaving in a highly emotional or volatile state, the guidelines might provide for a request that the batterer make plans to sleep/live someplace else for a couple of nights. The program might want to make crisis housing available to a batterer in such a situation. Other programs have developed guidelines for drop-in visits by participants who are continuing in an advanced program,

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who have dealt carefully with issues of collusion, who have been violence-free for more than a year, and who have been trained to do home intervention. Any interventions external to the group must be primarily focused on maintaining the safety of the battered woman. Intervention outcomes should be immediately reported to program staff.

Partner contact. Batterer education/treatment programs should not be the primary resource for victims. Professionals providing services to batterers should not engage in therapy or direct advocacy for victims. Rather, they should work cooperatively with domestic violence programs and advocates for battered women to assure that partners of treatment participants have support, opportunity for safety planning, legal options counseling, and advocacy.

Contact with a partner should be made primarily to give her information regarding the curricula and practices of the batterer education/treatment program and the services available to victims. Research demonstrates that battered partners rely on treatment programs to their detriment. Communication with battered partners should carefully describe the limitations of batterer treatment. Providers should guard against asking battered partners to support or expedite a client's participation in the education/treatment program. His change is not her responsibility. (See Appendix 5, Partner Contact.)

Education/counseling should not begin with batterers until partners have been contacted, provided with an informational packet, and had the opportunity to develop a safety plan. (See Appendices 4-6)

Confidentiality and releases. Program participants are usually afforded limited confidentiality in batterer education/treatment programs. This sharply distinguishes them from clients in other therapeutic environments. The limited confidentiality available in batterer education/treatment programs is a commitment by providers both to safeguard communications within the program and to disclose information critical for victim safety and program maintenance under certain circumstances.

Most programs for men who batter now require participants to sign several releases of information prior to enrollment. One release gives the program permission to disclose information tracking the batterer's enrollment, attendance, progress, suspension, and discharge to the battered partner and to the domestic violence program. Another provides for limited disclosure of information related to attendance, discharge and recommendations for future intervention to the court and probation/parole office. Another explicitly authorizes staff to warn victims, law enforcement, the court, and appropriate third parties about any danger the program believes is posed by the participant related to his battered partner or any other person. Yet another may be a waiver of any right that participant may have to testimony of staff or other participants in the education/treatment program on his behalf in any litigation related to his battered partner. One final waiver is often required for candidates for batterer education/treatment programs; a waiver of the right to disclosure of any communication with the battered partners of program participants, including the waiver of any right to testimony about those communications.*

Historically, some treatment programs for men who batter asserted that confidentiality was critical to advance therapeutic endeavors based on the assumptions that participation would not be undertaken by batterers in need of counseling without the protection of confidentiality and that free disclosure by clients was essential to the healing process. However, experience has revealed that neither of these is

* For further information, see *Safety for Women: Monitoring Batterers' Programs* written by Barbara Hart for PCADV, 2505 N. Front St., Harrisburg, PA 17110-1111, 717/234-7353.

fundamental to effective treatment with men who batter and that constraints on confidentiality providing for limited disclosure are essential to victim safety, batterer rehabilitation, and program efficacy.

Participant education and contract. During the intake phase, each batterer, who is a candidate for education/treatment should be provided with an overview of program content and structure. He needs to know the rules of the group and the consequences for breach of those rules and/or the contract. Many programs require that candidates acknowledge that they have a problem with violent and controlling conduct and need assistance in eliminating these behaviors as a condition for acceptance into the program. It is believed that this acknowledgement reduces participant resistance to treatment – to identifying and taking responsibility for their violence. It is during the intake phase that the batterer is advised about the various agreements and releases required of each program participant. After this introductory process, with full understanding of the consequences of electing either to participate or not, the batterer is asked to make an informed decision about education/treatment. If he chooses to participate in the program, then various forms are executed, including the contract. (See Appendix 7)

Consequences to breach of contract. Adverse consequences should result from non-compliance with the terms of the contract. These consequences must be commensurate with the violation. For example, purchasing a gun in violation of the contract not to possess any weapons might result in a temporary suspension from the group, an extension of treatment sessions upon re-admission, and a report to the probation/parole office; with a minimum requirement for return to the group being a surrender of the weapon to a responsible third party for the duration of the treatment program. Another example, failure to complete homework assignments might result in additional homework, added sessions and/or a report to the probation/parole officer. But, an assault should result in discharge from the group with a recommendation that the batterer be incarcerated and ordered to attend the education/treatment program upon release from incarceration. Breaching batterers must understand that the community is very serious about its commitment to ending violence against women.

Discharge criteria and guidelines. Each education/treatment program should develop both discharge criteria and guidelines. Most programs have found it useful to adopt several discharge categories:

- Administrative discharge - for breach of contract, such as continuing to use violence, failure to complete homework assignments, or inadequate attendance.
- Completion of court mandated treatment - for adherence to the conditions of participation and attendance at the required number of sessions.
- Advancement - for movement to an advanced program in which the participant begins to co-facilitate groups and/or engage in community activities to end violence against women.

Guidelines for discharge should inform the decision-making of staff on the bases for discharge. Guidelines should also specify notice requirements to the court, the battered partner, the domestic violence program, and any other pertinent person/organization. Discharge notice should state the bases for discharge and any recommendations for further intervention.

Oversight and monitoring by battered women. Battered women's advocates must participate in the design and implementation of any program working with men to end violence against women. Oversight activities might include program design, administration, curriculum development, treatment

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observation, and planning for program modification. Monitoring activities might include evaluation of the match between program philosophy, goals, practice, outcomes and safety of battered partners. The batterer program budget should include costs associated with oversight and monitoring.*

Evaluation. There should be on-going evaluation of both the program and participants.

Batterer evaluation. Many batterers programs have attempted to obtain a baseline of batterer awareness/denial by requiring them to complete a form during intake. Battered partners have, likewise, been asked to provide baseline information utilizing a compatible form (such as Appendix 10, Controlling Behavior Checklist). The difference in response gives some estimate of batterer denial; as research reveals that reporting by battered women is reliable and that by batterers is substantially underreported. (See "Overview of the Literature" in this manual.) Thereafter, batterer feedback on issues/progress can be gleaned from journals, from formal self-evaluation (See Appendix 11) and by periodic completion of the baseline form.

Evaluation of a batterer is incomplete without input by the abused partner and/or the participant's current partner. However, it may not be safe or productive for partners to participate in evaluation. Battered women should give informed consent about participation in evaluation. (See Appendix 5)

In developing evaluations, education/treatment programs must be ever cognizant of the limited utility of evaluation for prediction of future conduct. Many providers specify that there is no known relationship between the quality of group participation and cessation of violence. Men who look good in group and say what providers want to hear are not necessarily those most committed to eliminating violent and controlling repertoires in intimate relationships. Therefore, treatment success should not be measured on either completion of the program or the character of participation. Instead, it should be measured first by the cessation of violence. Treatment outcome follow-up should also measure whether there has been any material improvement in the lives of partners. This requires long-term follow-up. Follow-up will be enhanced by court directives in conditions of probation or parole that batterers provide the probation/parole office with address and other contact information each year for five years after completion of the education/treatment program. While this requirement may really be unenforceable, it will likely increase the numbers of program participants located for outcome evaluation.

The court should receive a cursory evaluation upon the participant's completion of the program or upon administrative discharge. The evaluation might merely reflect attendance, contract compliance and completion or it could provide the court with additional recommendations to enhance batterer success in the probation/parole process. (See Appendix 6)

Program evaluation. Informal program evaluation should be on-going. As providers identify strengths or weakness in the program, they might note this in staff meetings and in a cumulative evaluation file.

Formal program evaluation can start with examination of practice compared with philosophy, goals and ethics; then move to program component assessment; next focusing on the effectiveness of collaborative interaction with other agencies in the domestic violence intervention system with an eye to modifications to enhance service; attention to staff training and development requirements, as well

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as economic supports, should certainly be addressed; thereafter identification of social change initiatives that might enhance both the program and the goal of ending violence against women might be considered; and finally, but not least, measurement of the program's accountability to battered women might be made. This is a fairly monumental undertaking but should be conducted yearly. Parts of the evaluation may involve various agencies in the community, partners of program participants and advocates for battered women. Upon completion of evaluation, program staff should have an opportunity to celebrate accomplishments, consider challenges, and reflect on how their understanding of the goal of ending violence against women has been expanded by the work.

There should be some report to the community about program evaluation. Certainly, it might address outcomes for participants, the need for social change, and some description about future program directions.

Funding guidelines. Education/treatment programs for men who batter should not compete with battered women's services for limited public and private resources. Men who batter should pay for their own education/treatment, and failure to pay should result in discharge, coupled with incarceration or community service. Programs may want to communicate with insurance carriers to assure expedited vendor payment plans.

Safe housing and support services should be available to each battered partner of program participants. Where these are not otherwise available, batterers should be compelled to underwrite these costs since victim safety is an essential goal of education/treatment programs.

Legislative initiatives for state funding should be developed in collaboration with domestic violence service providers.

Interagency contract. Most batterer education/treatment programs in the context of a domestic violence intervention system do not have a formal contract with the court, the probation and parole office or the domestic violence program about the various responsibilities and authority of each component. A contract or letter of understanding is highly recommended. It is important that the critical issues related to batterer treatment in an intervention system be ironed out before commencement of court-mandated treatment. Policies in each agency may have to be modified to facilitate effective intervention with perpetrators. Since batterer education/treatment programs are experimental and since resources for these programs may wax and wane, it is expected that contract revisions will be essential periodically.

COURT COMPONENT.

Judicial demeanor and communication can be pivotal in an intervention system. When offenders know that judges are very serious about batterer treatment, there is greater compliance with treatment contracts.

Courts may have to revise sentencing practices in order to enhance batterer education/treatment programs. Time limits will have to be placed on offenders for initiating intake with the batterer education/treatment program. In Pittsburgh, offenders are given 72 hours to call for an appointment for intake and then are required to make full payment of the intake fee prior to intake or they are incarcerated for 30 days. Because of the strength and consistency of this requirement by the court, very few batterers had to be incarcerated for non-compliance with intake requirements.

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Courts have historically received input from victims about sentencing but have not necessarily constrained their discretion based on victim recommendations. However, experience in this field has demonstrated that affording battered women the authority to approve or disapprove of treatment as an alternative to incarceration has enhanced victim safety and enhanced batterer compliance with treatment contracts. Besides this, many battered women are very anxious for the offender to have an opportunity to learn how to change his behavior; most battered women wish to remain in a relationship with the batterer and hope that treatment will provide him with the skills and discipline to refrain from violence and coercive tactics. If treatment is available and the batterer does not change through treatment, then battered women often remove themselves from relationship with the batterer. For the battered woman who wants help for her abusive partner, a mandate to treatment may be advisable. However, for the battered woman who has concluded that the batterer will only respond to incarceration and that she needs temporary respite from danger, treatment should not be mandated and incarceration should be imposed.

Where a batterer breaches a condition of his contract with the education/treatment program, and the program either discharges him or recommends incarceration, courts should be prepared to incarcerate violators.

As new judges are appointed or elected, each having authority to mandate education/treatment might be provided with an orientation by others on the bench, the staff of the education/treatment program, batterers in any advanced treatment, battered women and advocates.

PROBATION AND PAROLE COMPONENT.

In the pre-sentence investigation phase, the probation officer should gather data to inform his/her recommendations and to share with the batterer education/treatment program should this be a sentencing recommendation. Provision of police records, conviction history for violent crimes, information about child abuse, drug and alcohol involvement, mental illness, and current/prior protection orders issued against the offender will greatly expedite the intake process for treatment. This information is also critical for supervision during probation.

Another important contribution of the probation/parole office related to batterer treatment is prompt response to administrative discharges and batterer recidivism. The probation officer should proceed swiftly with probation/parole revocation and be an advocate for prosecution on additional substantive crimes.

Other activities such as offender scrutiny and emergency assistance to victims will enhance the treatment process. (See DVIS - Probation and Parole, earlier in this manual.)

DOMESTIC VIOLENCE PROGRAM COMPONENT.

Three activities are essential for domestic violence programs in an intervention system that mandates education/treatment for batterers. The first is outreach to partners of batterers participating in education/treatment. The partners of education/treatment participants need to know about the content and structure of batterer's programs. They need to understand the risk and benefits of sharing information with the batterer's program about the perpetrator. They need to know of services available to them should a crisis emerge, whether or not it is related to batterer treatment. They need

information about legal options and advocacy, as well as support and safe housing. Battered partners need to be apprised that batterer treatment may increase rather than diminish the risk of violence so that safety planning is critical. They also are entitled to information about the likely increase of non-violent coercive and manipulative tactics by batterers, at least in the early stages of treatment. Knowledge about all of these matters will enhance a battered woman's decision-making and safety-planning.

The two other critical functions of a domestic violence program are monitoring/oversight and evaluation. These have been briefly outlined earlier in this paper.

COMMUNITY EDUCATION COMPONENT.

The news that there is help for batterers and the message that there is no excuse for domestic violence must be spread to maximize the impact of education/treatment for men who batter.

Batterers live in a community context that has tolerated, condoned and even encouraged violence against women. Each time the batterer leaves his education/treatment program, he returns to a community that gives him support either to continue or to eliminate his practices of terrorism. He needs to hear that his family, co-workers, fellow parishioners, neighbors, friends and other people he respects reject violence in intimate relationships. He must hear that these significant others believe that there is no excuse or justification for tactics of violence, are committed to victim safety, offer him support to change, but are resolved that if a choice must be made between the battered woman and the batterer, they will stand with the battered partner. If he does not hear these messages, he will likely return to violence.

Thus, those involved in the domestic violence intervention system must carefully develop community education and prevention materials and disseminate these broadly so that community attitudes toward domestic violence change and batterers consistently are confronted both with the adverse consequences of violence and the rich benefits of eliminating violent conduct in their intimate relationships.

CONCLUSION.

An incredible amount of work is necessary to provide effective education/treatment for men who batter. This enumeration of structural components has not addressed a number of critical issues that are beyond the scope of this manual. Program content has not been described.* Community service as an adjunct of treatment has not been discussed. Batterer intervention (akin to D & A intervention by family/friends) has not been considered. These and many more issues must be left for later exploration. However, we hope that the structural rudiments for batterer education/treatment programs have been sufficiently addressed in this paper to give helpful guidance for those seeking to develop court-mandated treatment systems.

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1990

* For further information, please see *Tactics of Control*, available from the Duluth Domestic Abuse Intervention Project, 206 W. 4th St., Duluth, MN 55806.

OVERVIEW OF LITERATURE ON EFFICACY OF BATTERER TREATMENT PROGRAMS

The jury is still out on the question of whether treatment programs for batterers work. The research undertaken on this question has produced inconclusive results. Although we cannot yet give definitive guidelines for program development, some preliminary direction is suggested by the outcome literature.

What milieu is most effective? Couples, individual or group education/treatment?

Couples counseling. Couples counseling is the least effective milieu for treatment of batterers. The outcome literature on couples counseling is not encouraging. One study found that 50% of the men had acted with violence toward their partners within six weeks following treatment and that six months after treatment, all participant batterers had used violence. (Taylor, 1984) The other reported evaluation data on conjoint treatment reveals that the use of violence continues and that any reduction in patterns of battering are below the level of statistical significance. (Eisikovits and Edleson, 1989)

Further, most treatment providers and academics agree that where violence and coercion are severe and life-threatening, couples counseling is inappropriate and dangerous. (Gelles and Maynard, 1987) Where a battered woman's safety is placed at risk, where addiction to alcohol or other drugs exists, where mental illness is involved, where there is frequent and injurious violence, or where the battered woman opposes conjoint treatment, couples counseling is not appropriate (Eisikovits and Edleson, 1989), and may both be unethical and expose the provider to liability for damages arising in connection with treatment. (Hart, 1990)

Individual treatment. There is no reported outcome data on individual treatment of men who batter.

Group education/treatment. The evaluation literature on group treatment of batterers is the most extensive. Specialized treatment of men who batter appears to be most often offered in the group milieu. Commentators suggest that whether the technique is education, self-help, skills-building, or therapy, batterers should be exposed to change strategies in a group format. (Eisikovits and Edleson, 1989; Adams, 1988; Ganley, 1981) However, no research appears to compare the success of men in group as contrasted to those in individual or conjoint treatment, controlling for content and other techniques.

The study which tracked batterers longest post-treatment showed that 53% of the men (whose partners could be found for this follow-up research) had not been violent for up to four years after treatment. (Tolman, et al, 1987)

Research that has compared batterers participating in treatment with those not treated has found that group treatment appears to reduce recidivism. One study found that 4% of treated batterers used violence two years after treatment, while 40% of a matched group not treated continued to use violence. (Dutton, 1986) Another found that substantial reductions in violent and psychologically abusive behavior occurred in the first three months of treatment and that 70% of the women partners reported that they were not being battered one year post-treatment. (Shepard, 1987) In a third study, 63% of the men completing treatment were not using violence six months after treatment, whereas 52% of the non-treated batterers remained violence-free. (Edleson and Grusznski, 1988)

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Are long-term or short-term groups more effective?

One study of 92 men participating in batterer treatment at DAP (the Domestic Abuse Project in Minneapolis) found that groups meeting once a week for twelve weeks (12-session groups) were as effective as groups meeting twice a week for sixteen weeks (32-session groups). Rates of post-group violence were about 10% less for the 12-session participants than men in 32-session groups. (Edleson and Syers, 1989) The critics of this study point out that sixteen weeks hardly qualifies a program to be identified as long-term.

Even more success was measured in a sixteen week treatment program in Canada; of those men who were married throughout treatment and at the time of follow-up, 84% were reported by their wives to be violence-free two years after treatment. (Dutton, 1986)

Quite different results in recidivism were discovered in another study. One year after a fifteen week program, there was only marginal difference in the recidivism rate of program completers over drop-outs. (Hamberger and Hastings, 1988)

Most batterer treatment programs offering more lengthy treatment operate 6-9 month treatment formats. The data suggest that men completing six month treatment programs are from 59-70% violence-free six months to one year after treatment. (Eisikovits and Edleson, 1989) No research has compared the recidivism of a matched sample of men in these programs as compared to those in short-term treatment. Most providers of long-term treatment believe that if a man is going to make the difficult and complex changes necessary to refrain from violence and coercion and if he is going to sustain this non-violent self-discipline over the course of any intimate relationship with a woman, he will have to devote many months to learning self-control, eliminating the use of power and control over his battered partner, changing the context of his life to avoid the "people, places and things" that support his violence, and developing respect for women. (Jennings, 1990; Adams, 1988; Gondolf, 1987)

Which modality is most effective - education, therapy or self-help?

The results of the DAP study preliminarily suggest that the educational modality was more effective than either therapy or self-help formats. The men participating in self-help groups were considerably more likely to use both violence and terroristic threats six months after completion of the group than those in the educational groups. (Edleson and Syers, 1989)

How do we measure treatment success - what is enough?

Almost all treatment programs first measure success by evaluating whether violence has ceased. A second measure of success is the elimination of controlling tactics. The DAP study revealed that despite treatment, virtually all batterers continued making non-terroristic threats - e.g. stomping out during arguments, screaming or insulting partners, disrupting sleeping or eating, verbally pressuring for sex, restricting liberty, physically disciplining children, or threatening to leave the battered partner. (Edleson and Syers, 1989)

Evaluation research also has examined whether verbal and emotional abuse have abated. Many clinicians in a number of research studies have found that psychological abuse may, in fact, escalate during counseling, and the cessation of physical violence may be used for spurious self-congratulation and manipulation. (Edleson and Grusznski, 1988; Gondolf, 1984) Other data shows that a majority of

batterers continue in their use of emotional and threatening abuse. (Hamberger and Hastings, 1988; Tolman, et al, 1987; Edleson and Brygger, 1986)

Several outcome studies indicate that some men develop better communication skills, learn to manage and abate anger, learn conflict resolution, divest themselves of jealousy, gain respect or reduce animosity toward women during treatment. (Eisikovits and Edleson, 1989; Gondolf, 1987) However, research on these changes has thus far not provided information about whether the changes result from treatment or what the relationship of these changes is to the cessation of violence. (Eisikovits and Edleson, 1989; Gondolf, 1987)

Several commentators have advanced the proposition that outcome success must be measured by the improvement in the ecology or context of the lives of battered women. (Eisikovits and Edleson, 1989; Hart, 1988; Gondolf, 1987; Pence and Paymar, 1986) If a battered woman is not less isolated after treatment, if she is no less terrorized, if she has no more autonomy, if she is not free from unwanted access by the batterer, etc. - if the circumstances of her life have not materially improved - then treatment should not be deemed successful. Outcome investigations have not measured women's reality as a measure of treatment success to date.

What reporting source measures violence best?

Most researchers in the field believe that those women with whom the batterer was partnered when entering treatment and those with whom he is in intimate relationship at the time of follow-up are the most reliable sources of information on the use or elimination of violence. (Eisikovits and Edleson, 1989; Saunders, 1988; Gondolf, 1987; Shepard, 1987; Tolman, 1987)

One recent study of batterers enrolled in drug and alcohol treatment programs demonstrated that women consistently report twice the violence identified by men; 82% of the partners of men in the residential program reported that their husbands had used violence against them while only 42% of the men acknowledged the violence; 64% of the women said that the violence had been severe, while men said 30%; 39% of the women said that they had been assaulted in the past year, while only 21% of the men acknowledged violence; 30% of the women said their partners had forced unwanted sex upon them, as compared to 12% of the men identifying their use of this violence; and 18% of the women said that their injuries had required medical attention, while 6% of the men recalled the extent of women's injuries. (Gondolf and Foster, 1989)

Sometimes violence is measured by involvement with law enforcement, but since the amount of discretion exercised by police in responding to domestic violence is so broad, law enforcement data gives a very underestimated report and one that is constrained by the criminal code and filtered through the diverse policies and consciousness of police administrators and officers. Statistics from other components of the legal system are likewise underreported. (Fagan, 1987)

What motivates batterers to change - to stop violence and controlling conduct?

Some believe that heightened awareness of the adverse consequences of woman abuse on battered women and the family is central to desistance. (Dutton, 1987) Other research has concluded that batterers are motivated to end violence to avoid divorce or loss of relationship. (Fagan, 1987; Bowker, 1983) Still others have concluded that the avoidance of potential consequences flowing from a second arrest for domestic assault is critical to violence cessation. (Jaffe, et al, 1986; Sherman and Berk, 1984) One commentator has suggested that batterers engage in a cost/benefits analysis when considering

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whether to terminate or continue domestic violence; when the costs begin to substantially outweigh the benefits, when life is more disrupted than facilitated by violence, batterers may choose to moderate their use of violence. (Hart, 1988)

Does the context in which the treatment program operates make a difference in outcome/success?

Program effectiveness may be related more to the context or the intervention system present in a particular community than to the activity of the treatment program. (Gondolf, 1987) Research has not yet adequately identified the impact of a fully coordinated domestic violence intervention system on the change process of batterers. No research has looked at the impact of the personal context of the batterer. No investigation has evaluated the impact of the attitudes, values and conduct of co-workers, friends, church peers, extended family on treatment process and outcomes. Investigation of these questions is critical.

Does treatment following arrest or incarceration reduce recidivism?

Preliminary data suggests that court-mandated treatment following arrest and prosecution for domestic assaults may substantially contribute to the reduction in severe violence by batterers. (Dutton, 1986; Jaffe, et al, 1986) Those completing court-mandated treatment are less likely to recidivate than those terminating before completion. (Edleson and Grusznski, 1988)

Treatment providers believe that incarceration, in and by itself, is not an effective solution to wife abuse. (Dutton and Strachan, 1987) Yet, none have investigated the effect of pairing detention and treatment as contrasted to treatment alone. If deterrence of woman battering relies significantly on the extent to which a batterer perceives penalties as both certain and severe (Carmody and Williams, 1987), then the certainty of incarceration following violence may enhance the success of treatment. Many clinicians have stated that while incarceration alone does not seem to work, incarceration as a consequence of failure to participate in treatment or as a result of recidivism is a powerful motivator. (Hart, 1990)

Does everyone have recruitment and retention problems?

Batterer treatment programs suffer from low recruitment and high attrition. (Pirog-Good and Stets-Kealey, 1985; Feazell, et al, 1984) For example, in a Pittsburgh study, five times as many men inquired about treatment as enrolled and of these about 30% dropped out before completing the 12-week program. (Gondolf, 1984) Participants are more likely to complete the treatment program if mandated into counseling by courts. (Pirog-Good and Stets-Kealey, 1985)

Future research considerations:

Two of the leading experts on batterer treatment evaluation research have identified several problems for consideration in future research.

"First, most of the studies...have been conducted by the very people who have designed the intervention and thus should be regarded as self-evaluations at best. Second, success is not now uniformly defined within the field. Some researchers seek a decrease in violence, others look for a cessation of both violence and threats, and still others seem to place greater value on improving

(relationship) satisfaction. Third, interventions and evaluations need to stress not only the cessation of violence but also its impact on the interpersonal ecology of victims over the longer term. Fourth, the careless use of the time variable in many of the studies...allows for few possibilities to assess the change occurring in the violence over time." (Eisikovits and Edleson, 1989 at pg. 407)

It is imperative that the questions above, and others, are answered fully and accurately; for battered women are more likely to reconcile with batterers, rather than establishing safe and independent households, if the battering partner has enrolled in a treatment program. (Gondolf, 1988; Okun, 1986) We must not jeopardize the safety and autonomy of battered women by providing services to batterers that are ineffective or that make uninformed claims about treatment success.

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BATTERER TREATMENT PROGRAMS IN OHIO

Domestic violence perpetrators in Ohio are able to access specialized treatment to end their violence and coercive tactics.

In order to gather some baseline data about treatment options in Ohio, the Ohio Domestic Violence Network (ODVN) sent a brief survey to all identified providers in the state in April, 1990. Despite the short "turn-around" time, sixteen programs responded. The survey and a grid depicting provider responses can be found in Appendix 13. ODVN greatly appreciates the time that each respondent gave to completing the survey and providing ODVN with relevant materials.

Programs providing information about mission statements or goals all concurred that the primary clinical goal for batterer treatment is the cessation of violent behavior and coercive tactics. Regrettably, few programs identified the goals of safety and justice for women as primary. Other goals identified, but not uniformly held by all treatment programs, included the elimination of threatening behavior, perpetrator assumption of total responsibility for abuse, batterer accountability to and restoration of the battered partner and children, adoption of values that support interdependent, mutual, respectful and non-controlling conduct in intimate relationships, and learning of skills for cooperative problem-solving, emotional self-care and non-coercive communication.

All but two described a close working relationship with the local battered women's program. However, few had developed a monitoring/oversight relationship with the domestic violence programs, advocates or battered women.

About half of the programs provide treatment/education through a court-mandated system as well as to the voluntary client. All of those program providing mandated counseling require that the batterer execute a contract with the program as a condition of participating in treatment. Those programs providing services to voluntary (or socially-mandated) batterers generally utilize client contracts as well. Virtually all the programs identified a screening process. About half of the programs reported that they attempt to get baseline information through self-reporting forms completed during intake. Those programs accepting court-mandated clients appear to retain authority to accept or reject court referrals.

All but two of the respondents reported that there are adverse consequences for breach of the contract for service or for violence against partners during treatment. It appears, however, that only in the court-mandated treatment system do providers bring assaults against partners that occur during treatment to the attention of the justice system. Furthermore, it is the unusual court that consistently imposes incarceration on a perpetrator for violating a treatment contract or abusing his partner during treatment.

All but three programs reported that they have written program content. Several of the programs use the Duluth curriculum, entitled *Tactics of Control*. Others use a local adaptation of that curriculum. Some programs identified themes covered over the course of treatment; and a few described a flexible system for theme selection based on the needs of group participants, while others more systematically select the focus for examination in each session. Few reported that homework is required of participants, but since this issue was not addressed specifically in the questionnaire, it may be that many more programs require homework than were identified. Only one program in the state provides culturally-specific content in its treatment program. Other programs report that few men of color or of ethnic minorities have sought treatment. Some reported that they believe program content did not need to be modified to incorporate men of color/ethnic minorities.

Ohio Treatment Programs

About two-thirds of the respondents report that they do not offer couples counseling or family counseling, but do offer counseling to children from violent homes. About two-thirds reported that they provide counseling to battered women, but it appears that batterer education/treatment programs that are housed in battered women's agencies do not provide counseling to the women; instead, the women's component exclusively offers services to women. One-quarter of the programs offer services to gay men who batter; with most suggesting that gay men are best offered treatment separate from heterosexual men. A smaller number offer services to heterosexual women who are referred as batterers. One program reported that most of these women were actually battered women who had acted in self-defense but who had been mandated by the courts. Only a handful offer services to lesbians who batter.

Few identified a formal program evaluation process. Most undertaking formal program evaluation, however, involved domestic violence programs and battered women in the process. Two-thirds of the programs reported that they utilize an exit interview or process. It appears that this may be an informal exercise in most programs as no forms were submitted outlining discharge or exit procedures.

Two-thirds of the treatment/education programs for men who batter in Ohio are housed in mental health agencies. About one-third are located in domestic violence programs. Only one was an independent agency and one other was located within the court.

The respondents did not generally give information about the number of batterers involved in treatment in each program each year. Nor did they provide enough budgeting information from which to draw generalizations.

No batterer education/treatment program in Ohio appeared to have all of the essential components for a court-mandated program (as described earlier in this manual). However, Amend in Cincinnati, the Batterers Treatment Program in Defiance, Choices for Men in Canton, the Domestic Violence Programs for Offenders in Hancock and Woods counties and the Mend program in Mt. Vernon seem to subscribe to this model. In fairness, we must say that the information obtained through our preliminary research is cursory. Perhaps other programs closely approximate this model.

There is a great deal of difference in theoretical orientation, treatment modalities, curricula, intervention techniques, methods of measuring successful outcomes between programs throughout the state. Perhaps it would benefit providers to explore the possibility of developing formal ethics and standards to govern the treatment of batterers in Ohio; an undertaking that has been highly beneficial in other parts of the country.

ODVN looks forward to working with providers of education/treatment programs for batterers throughout Ohio.

OHIO DOMESTIC VIOLENCE STATUTES

EX PARTE PROTECTION ORDERS. Four possible ways that an ex parte order may be used in connection with domestic violence.

- **RULE 65; Ohio Rules of Civil Procedure**

1. Theoretically, relief is available under R. 65(A) to victims or potential victims of domestic violence.
2. R. 65 allows the temporary restraining order to be made without notice, ex parte.
3. This procedure for relief is probably the least used of the four because it is much more cumbersome and costly.
 - A. Relief, in the form of an ex parte TRO, is granted if it clearly appears from specific facts that immediate and irreparable injury will result to applicant before the adverse party or his attorney can be heard.
 - B. Counsel must certify to court in writing any efforts made to give notice and the reasons supporting any claim that notice should not be required.
 - C. Order itself shall define the injury and state why it is irreparable and why order was granted without notice.
 - D. Order expires by its terms in 14 days, unless extension for 14 more days for good cause shown is granted.
 - E. Motion for preliminary injunction shall be set for earliest possible hearing.
 - F. Court will dissolve TRO unless party who obtained it proceeds with the application for a preliminary injunction.
 - G. Rule 65(C) requires the applicant for a TRO to post bond.
4. This procedure is also less likely to be used because R.75(H)(1) prohibits its use if an action for divorce, annulment, or alimony has been instituted.

- **RULE 75; Ohio Rules of Civil Procedure**

1. Rule 75(H) provides for the granting of ex parte orders when there is a pending divorce, annulment, or alimony action between the same parties.
2. Rule 75 ex parte order for relief from domestic violence limited in its use:
 - A. By its terms, Rule 75 would be unavailable to victims of domestic violence if there is not a divorce, annulment, or alimony action already pending.

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- B. It may not be effective for all potential victims, e.g. other household members who are neither a party to the divorce, annulment, or alimony action nor a child of the parties.
 - C. May be costly since court can require bond.
 - D. Rule 75 states that this restraining order "...may be allow(ed)..." and "...may be issued without notice..." Consequently, courts may be reluctant to issue it ex parte in the absence of mandatory language.
 - E. Rule 75 restraining orders can be enforced only through the general contempt powers of the court; this procedure requires a separate hearing and finding of contempt and thus a possible delay.
 - F. It is effective only for the pendency of the underlying action; since domestic violence will not necessarily cease, and may indeed escalate at the conclusion of the underlying action, it has limited utility.
- **O.R.C. §2919.26(D); Ex parte Orders Under the Domestic Violence Criminal Statute**
 - 1. If an action has been filed alleging violation of O.R.C. §2919.25, then complainant may file a motion for temporary protection order as a pretrial condition of release of the alleged offender.
 - A. Court must conduct a hearing on the motion within 24 hours after its filing.
 - B. If safety and protection of complainant or other family or household member may be impaired by continued presence of alleged offender, court may issue a temporary protection order as a pretrial condition of release that contains terms designed to insure safety and protection of complainant or household member, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or household member.
 - C. This order may be issued ex parte.
 - i. If issued ex parte, court must have a hearing within 24 hours to determine whether it should remain in effect, be modified, or revoked.
 - D. A temporary protection order under §2919.26 is effective only until disposition of criminal case, or issuance of a protection order, or approval of a consent agreement.
 - E. This order can in no way be construed as a finding of guilt and is not admissible at trial.
 - F. Court shall deliver copy of temporary order to defendant on same day order is entered. Complainant and all law enforcement agencies having jurisdiction shall also receive copies.
 - G. Law enforcement agencies required to keep an index of all such orders.
 - H. Any law enforcement officer shall enforce order, including removing defendant from premises.

-
- I. If order is violated court may:
 - i. Hold violator in contempt;
 - ii. Issue another protection order as a pretrial condition of release, modifying terms of violated order.
 2. Ex parte order under §2919.26 potentially more effective even though court can only find contempt or issue another order. However, because it requires law enforcement personnel to enforce the provisions of the order, it may be more satisfying to potential victims of domestic violence, as long as such law enforcement personnel are willing to enforce the order.
 - A. Where violation of an order is made a misdemeanor by local ordinance, police are more apt to enforce it since their authority to arrest is much clearer. O.R.D. §2935.03(A) states, a law enforcement officer "shall arrest and detain... a person found violating... a law of this state or an ordinance of municipal corporation." However, such an ordinance was ruled invalid by the Tenth District Court of Appeals in Columbus v. Patterson, No. 82 AP-47 (Franklin County Ct. App. Dec. 12, 1982). The court said the city ordinance overstepped the constitutional limitations by criminalizing an act which the legislature classified as noncriminal (See 16 Akr. L. Rev. p. 719)
- Civil Protection Orders; O.R.D. §3113.31
 1. Ex parte orders under this procedure will be much easier to obtain, and much less restricted than the previous orders.
 - A. Any person can seek relief under this section for himself, or any parent or adult household member may seek relief on behalf of any other family or household member §3113.31(C). There is no requirement that a domestic matter be already pending.
 - B. §3113.31(D) states that the court shall hold a hearing on the same day that a request for an ex parte order is filed.
 - C. The court may issue any temporary orders if there is an immediate or present danger of domestic violence to the family or household member.
 - i. Immediate and present danger includes threats, and previous acts of domestic violence.
 - D. §3113.31(E)(1) lists nine possible forms of relief which the court may order:
 - i. Direct respondent to refrain from abuse;
 - ii. Order respondent to vacate the shared residence or provide alternate housing;
 - iii. Award temporary custody of children or establish temporary visitation rights;
 - iv. Require respondent to maintain support which he has customarily provided or which he has a legal duty to provide;
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- v. Require respondent, petitioner, victim of domestic violence, or any combination of those persons, to seek counseling;
 - vi. Require respondent to refrain from entering the residence, school, business, or place of employment of the victim;
 - vii. Direct the respondent to permit the use of a motor vehicle by the petitioner or other family or household member;
 - viii. Direct the apportionment of household personal property;
 - ix. Grant other equitable and fair relief. §3113.31(E) (16 Akr. L. Rev. p. 711).
- E. If the court orders the respondent to leave the residence or to refrain from abusing the household members, then the court must have a full hearing within seven days of the ex parte hearing. Any other order by the court requires a full hearing within ten days. Respondent shall have notice and an opportunity to be heard at these full hearings.
- F. Protection orders pursuant to O.R.C. §3113.31 are to be for a fixed time, not in excess of one year. However, if the order awards temporary custody or visitation rights of minor children then the order shall terminate no later than 60 days after filing of a divorce, dissolution, or separate maintenance action by the petitioner or respondent.
- G. Law enforcement agencies must keep an index of the orders, and are required to enforce the order even where removing respondent from the premises is required.
2. Clearly, an ex parte order under §3113.31 will be available to a larger class of petitioners and may be more appealing to victims and potential victims of domestic violence since it is an independent action and does not require a corresponding civil or criminal action.

Constitutional Issues

- A. Potential due process problems of ex parte orders in domestic violence cases since respondent can be deprived of property and liberty interests without notice and an opportunity to be heard.
- 1. §3113.31(E)(4) states that title to any real property shall not be affected by any order. And any order can last no longer than one years.
 - 2. Statute drawn to meet United States Supreme Court's requirements for cases involving ex parte orders; (See 16 Akr. L. Rev. 718).
 - a. The plaintiff must state facts rather than conclusory allegations, by affidavit or testimony.
 - b. A judge must participate in the decision.
 - c. There must be a provision for a prompt post-seizure hearing where the plaintiff must present proof and the defendant may present a defense (Mitchell v. W.T. Grant Co. 416

U.S. 600, 1974; Fuentes v. Shevin, 407 U.S. 67, 1972; Sniadach v. Family Finance Corp., 395 U.S. 337, 1967).

3. §3113.31 complies with requirements 2.a-c.
 - a. Petition must allege "that the respondent engaged in domestic violence... including a description of the nature and extent..."
 - b. "Good cause" must be shown at an ex parte hearing before a judge.
 - c. Full hearing with notice to respondent and opportunity to be heard must be held within 7 days after an ex parte hearing.

- B. Similarly statutes in Missouri (State ex rel, Williams v. March, 626 S.W. 2d 233, Mo. Banc 1982) and Pennsylvania (Boyle v. Boyle, 5 Fam. L. Rep. 2916, Allegheny County C.P. 1979) have been upheld.

Conclusion

- A. Domestic violence protection orders can be effective if victims, attorneys, and courts are mindful of their use and are willing to carry through with them.
- B. The use of ex parte orders can be critical in domestic violence cases and judges should comply with the statutes and hold a hearing the same day or within twenty-four hours of the complaint.
- C. Without effective compliance with the statute, victims will be unwilling to seek the relief afforded them by its terms.

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APPENDIX 1

DOMESTIC VIOLENCE CRIMES.

§2919.25 [Domestic Violence]

- A. No person shall knowingly cause or attempt to cause physical harm to a family or household member.
- B. No person shall recklessly cause serious physical harm to a family or household member.
- C. Whoever violates this section is guilty of domestic violence a misdemeanor of the first degree. If the offender has previously been convicted of domestic violence or a violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code involving a person who was a family or household member at the time of such violation, domestic violence is a felony of the fourth degree.
- D. As used in this section and section 2919.26 of the Revised Code:
 1. "Family or household member" means a spouse, a person living as a spouse, a former spouse, or a parent, a child, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse, who is residing or has resided with the offender.
 2. "Person living as a spouse" means a person who is living with another in a common law marital relationship or who is otherwise cohabiting with another.

History: 137 v. H 835 (Eff 3-27-79); 138 v. H 920 (Eff 4-9-81); 140 v. H 587, Eff 9-25-84.

§2919.251 [Considerations in setting bail in certain domestic violence cases.]

- A. If a person is charged with a violation of section 2919.25 of the Revised Code or of a municipal ordinance that is substantially similar to that section, and if the person, at the time of the alleged violation, was subject to the terms of a protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code or previously was convicted of or pleaded guilty to a violation of section 2919.25 or 2919.27 of the Revised Code or of a municipal ordinance that is substantially similar to either section, the court shall consider all of the following, in addition to any other circumstances considered by the court and notwithstanding any provisions to the contrary contained in Criminal Rule 46, before setting bail for the person:
 1. Whether the person has a history of domestic violence or a history of other violent acts;
 2. The mental health of the person;
 3. Whether the person has a history of violating the orders of any court or governmental entity;
 4. Whether the person is potentially a threat to any other person;

5. Whether setting bail at a high level will interfere with any treatment or counseling that the person or the family of the person is undergoing.

B. Any court that has jurisdiction over violations of section 2919.25 of the Revised Code or of a municipal ordinance that is substantially similar to that section may set a schedule for bail to be used in cases involving violations of that section or ordinance. The schedule shall require that a judge consider all of the factors listed in division (A) of this section and may require judges to set bail at a certain level if the history of the alleged offender or the circumstances of the alleged offense meet certain criteria in the schedule.

History; 141 v. H 475, Eff 3-7-86.

§2919.26 [Motion for temporary protection order form.]

A. Upon the filing of a complaint that alleges a violation of section 2919.25 of the Revised Code, the complainant may file, or, if in an emergency the complainant is unable to file, a person who made an arrest for the alleged violation under section 2935.03 of the Revised Code may file on behalf of the complainant, a motion that requests the issuance of a temporary protection order as a pretrial condition of release of the alleged offender, in addition to any bail set under Criminal Rule 46. The motion shall be filed with the clerk of the court that has jurisdiction of the case at any time after the filing of the complaint.

B. The motion shall be prepared on a form that is provided by the clerk of the court, which form shall be substantially as follows:

"MOTION FOR TEMPORARY PROTECTION ORDER

_____ Court
Name and address of court

State of Ohio

v.

No _____

Name of Defendant

_____, the complainant in the above captioned case,
Name of person

moves the court to issue a temporary protection order containing terms designed to ensure the safety and protection of the complainant and other family or household members, in relation to the named defendant, pursuant to its authority to issue such an order under section 2919.26 of the Revised Code.

A complaint, a copy of which has been attached to this motion, has been filed in this court charging the named defendant with knowingly causing or attempting to cause physical harm to a family or household member, or recklessly causing serious physical harm to a family or household member, which constitutes "domestic violence." a violation of section 2919.25 of the Revised Code.

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I understand that I must appear before the court, at a time set by the court within twenty-four hours after the filing of this motion, for a hearing on the motion, and that any temporary protection order granted pursuant to this motion is a pretrial condition of release and is effective only until the disposition of the criminal proceeding arising out of the attached complaint, or the issuance of a civil protection order or the approval of a consent agreement, arising out of the same activities as those that were the basis of the complaint, under section 3113.31 of the Revised Code.

Signature of complainant
(or signature of the arresting officer who filed the motion on behalf of the complainant)

Address of complainant (or office address of the arresting officer who filed the motion on behalf of the complainant)"

- C. As soon as possible after the filing of a motion that requests the issuance of a temporary protection order, but not later than twenty-four hours after the filing of the motion, the court shall conduct a hearing to determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the court finds that the safety and protection of the complainant or other family or household member of the alleged offender may be impaired by the continued presence of the alleged offender, the court may issue a temporary protection order, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant or family or household member, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or family or household member.
- D. 1. Upon the filing of a complaint that alleges a violation of section 2919.25 of the Revised Code, the court, upon its own motion, may issue a temporary protection order as a pretrial condition of release if it finds that the safety and protection of the complainant or other family or household member of the alleged offender may be impaired by the continued presence of the alleged offender.
2. If the court issues a temporary protection order under this section as an ex parte order, it shall, as soon as possible after the issuance of the order, but not later than twenty-four hours after its issuance, conduct a hearing to determine whether the order should remain in effect, be modified or be revoked. The hearing shall be conducted under the standards set forth in division (C) of this section.
3. An order issued under this division shall contain only those terms authorized in orders issued under division (C) of this section.
- E. A temporary protection order that is issued as a pretrial condition of release under this section:
1. Is in addition to, but shall not be construed as a part of, any bail set under Criminal Rule 46;
 2. Is effective only until the disposition of the criminal proceeding arising out of the complaint upon which it is based, or the issuance of a protection order or the approval of a

consent agreement, arising out of the same activities as those that were the basis of the complaint, under section 3113.31 of the Revised Code;

3. Shall not be construed as a finding that the alleged offender committed the alleged offense, and shall not be introduced as evidence of the commission of the offense at the trial of the alleged offender on the complaint upon which the order is based.
- F. A person who meets the criteria for bail under Criminal Rule 46 and who, if required to do so pursuant to that rule, executes or posts bond or deposits cash or securities as bail, shall not be held in custody pending a hearing before the court on a motion requesting a temporary protection order.
- G. 1. A copy of any temporary protection order that is issued under this section shall be issued by the court to the complainant, to the defendant, and to all law enforcement agencies that have jurisdiction to enforce the order. The court shall direct that a copy of the order be delivered to the defendant on the same day that the order is entered.
2. All law enforcement agencies shall establish and maintain an index for the temporary protection orders delivered to the agencies pursuant to division (G)(1) of this section. With respect to each order delivered, each agency shall note on the index, the date and time of the receipt of the order by the agency.
 3. Any officer of a law enforcement agency shall enforce a temporary protection order in accordance with the provisions of the order, including removing the defendant from the premises.
- H. Upon a violation of a temporary protection order, the court may issue another temporary protection order, as a pretrial condition of release, that modifies the terms of the order that was violated.
- I. Notwithstanding any provision of law to the contrary, no court shall charge a fee for the filing of a motion pursuant to this section.

History; 137 v. H 835 (Eff 3-27-79); 138 v. H 920 (Eff 4-9-81); 140 v H 587, Eff 9-25-84.

§2919.27 [Violating protection order or consent agreement.]

- A. No person shall recklessly violate any terms of a protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code.
- B. Whoever violates this section is guilty of violating a protection order or consent agreement. If the offender previously has not been convicted of or pleaded guilty to a violation of this section, violating a protection order or consent agreement is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, violating a protection order or consent agreement is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, violating a protection order or consent agreement is a felony of the fourth degree.

History; 140 v. H 587 (Eff 9-25-84); 141 v. H 475, Eff 3-7-86.

LEGISLATIVE CONSIDERATIONS

Ohio has two sets of laws which specifically address domestic violence: one set covers civil protection orders and one set covers criminal statutes and remedies. Both sets of laws need to be expanded if they are to provide the maximum protection for victims of domestic violence, and to give the criminal justice system the broadest power to intervene and to hold the perpetrator accountable for his violence. ODVN is proposing that the following legislative changes be considered to strengthen laws governing domestic violence. [Note: This is not intended to be an all inclusive list, nor is it intended to provide the specific language for legislation.]

CIVIL PROTECTION ORDERS

The purpose of this law (O.R.C. §3113.31) is to allow victims of domestic violence to obtain relief in addition to other civil or criminal remedies or instead of other remedies. This statute particularly appeals to victims who are concerned about their safety as well as issues of child custody, having a safe place to live at least temporarily, and so forth. ODVN is proposing these considerations which conform to the purpose, but which would provide broader protections to victims of domestic violence.

- **DEFINITIONS.** Domestic violence needs to include coercion, harassment, unlawful imprisonment, and sexual assault. Victims (petitioners) should also include any persons who have ever lived together regardless of their relationship or how recently they lived together, those who have a child together (whether or not they have ever lived together), and victims who are minors.
- **COURT CLERK ASSISTANCE.** Whether or not a petitioner is filing *pro se*, clerks of court should inform the parties that they can choose whether they want legal representation, provide information about the procedures, and assist with completing and filing petitions and any other papers necessary.
- **RELIEF.** Remedies and relief available under this statute need to be available even if divorce proceedings have already been initiated. Custody and visitation from another order should be incorporated into this protection order and be able to be modified in this order to provide protection from domestic violence. Relief should also be available up to two years for unusual situations.
- **ENFORCEMENT.** Civil protection orders should be effective in any county in the state. Protection orders issued by other states should be enforced in Ohio the same as orders issued in Ohio. The law should require mandatory arrest for violations of the civil protection order and the court should issue an arrest warrant for violators who are not at the scene when police arrive. Every order issued should have an "enforcement paragraph" which indicates that the order is in effect unless dismissed by the court, that it is to be enforced regardless of whether the petitioner invited the respondent to the residence, and that consequences of violating the order will be mandatory arrest by the police officer.
- **TRAINING.** The law should require mandatory training about domestic violence dynamics and laws not only for law enforcement officers, but also for clerks of court, counselors or mediators hired by the court, referees, and judges.

APPENDIX 2

CRIMINAL STATUTES AND REMEDIES

Ohio Revised Code has four statutes that cover domestic violence under criminal law: O.R.C. S2919.25 [Domestic Violence.], O.R.C. S2919.251 [Considerations in setting bail in certain domestic violence cases; schedule.], O.R.C. S2919.26 [Motion for temporary protection order; form.], and O.R.C. S2919.27 [Violating protection order or consent agreement.] While Ohio laws currently allow for increased penalties for repeat domestic assaults, ODVN believes that the statutes should be expanded to increase victim safety, victim impact, the possibility of implementing clear consequences for repeat behavior or non-compliance with sentence that lead to enhanced penalties, and more effective monitoring.

- **DEFINITIONS.** Domestic violence needs to include coercion, harassment, and unlawful imprisonment. "Family or household member" should also include any persons who have ever lived together regardless of their relationship or how recently they lived together, those who have a child together (whether or not they have ever lived together), and victims who are minors.
- **VICTIM SAFETY, NOTIFICATION AND IMPACT.** In order to increase the safety of the victim the alleged assailant should be held until the next regularly scheduled court docket. The law enforcement officer should arrest and detain the suspect whenever probable cause to arrest exists. When an officer is unable to make an arrest, and a complaint is filed by the victim, the complaint should be issued as a warrant rather than as a summons. The victim should be notified of the release, conditions of release, and who to contact about violations prior to the perpetrator's release by law enforcement before arraignment, by the prosecutor prior to sentence, and by probation or parole after sentencing. Victim safety should be the guiding criteria in any release.

Any pre-conviction diversion should ask probation to include a victim impact and interest statement. Any pre-sentence investigation should ask probation to include a victim impact and interest statement. Pre-conviction and pre-sentence investigation should be done by court appointed personnel who have had training in domestic violence issues. The victim impact and interest statement should be the guiding factor in disposition.

- **CONSEQUENCES AND NON-COMPLIANCE.** While present Ohio statutes allow for enhanced penalties for repeat assaults, many subsequent assaults are not enhanced because the first domestic violence assault was diverted by pre-conviction or continued for dismissal, and consequently the second assault was not eligible for enhancement. Any diversion including diversion for offender treatment programs should be post-conviction (plea) for most efficient monitoring, consequences, and enhancement.
- **MONITORING.** All diversion treatment in lieu of sentence, all release, and all probation or parole should be monitored by the court or a designated agency. Monitoring should include clear guidelines for referral back to the court for non-compliance with conditions of release, treatment, subsequent assault or violation of release or protection order.

DANGEROUSNESS ASSESSMENT

EVALUATING WHETHER BATTERERS WILL KILL

Some batterers are life-endangering. You may want to carefully evaluate whether your partner is likely to kill you, other family members and/or himself. While it is true that all batterers are dangerous, some are more likely to kill than others and some are more likely to kill at specific times. We hope that your batterer will obey the protection order, but the order is no guarantee of your safety. You should evaluate whether you need to take further protective measures beyond the protection order to assure the well-being of yourself and your children.

The following list is not fool-proof. Once you have thought about all of the indicators listed, you may conclude that your batterer is not life-threatening. You may be right or you may be wrong. You probably are the best evaluator, but you may want to discuss this with a trusted friend or a battered women's advocate at the local domestic violence program. Your batterer may not be life-threatening now, but may become so. Therefore, it is important to continue ongoing assessment of his dangerousness.* Contact your local battered women's program to make a safety plan.

In making your assessment, use all of the information you have about the batterer, as well as your intuition. The greater the number of primary indicators that the batterer demonstrates or the greater the intensity of indicators, the greater the likelihood of a life-threatening attack. It is better to make a mistake in overestimating the dangerousness of a batterer than underestimating it. *No matter what is written in this paper, if you conclude that the batterer is becoming more dangerous and may very well try to kill you, act on your assessment.*

PRIMARY INDICATORS

1. Batterer's "ownership" of the battered partner. The batterer who says "Death before divorce!" or "You belong to me and will never belong to another!" may be stating his fundamental belief that you have absolutely no right to life separate from him.
2. Threats of homicide or suicide. The batterer who has threatened to kill you, himself, the children or your relatives must be considered extremely dangerous.
3. Fantasies of homicide or suicide. The more the batterer has developed a fantasy about who, how, when and/or where to kill, the more dangerous he may be. The batterer who has previously acted out part of a homicide or suicide fantasy may be invested in killing as a "solution" to his problems.

* We have assumed that the victim is a woman and the abuser is a man in this tool. It may be that the victim is a man and the abuser a woman or that the abuser and the victim are of the same sex. Assessment is basically the same despite these gender differences.

The only additional indicator to be assessed by a gay or lesbian person is whether their abuser has been firmly closeted and is now risking exposure as a gay or lesbian person in order to facilitate their severe, life-endangering attacks. When a person has been desperately closeted, losing the protection of invisibility in order to abuse potentially suggests great desperation and should be included in the indicators above.

APPENDIX 3

4. **Obsessiveness about partner or family.** A batterer who is obsessive about his female partner, who either idolizes you and feels that he cannot live without you or believes he is entitled to you, your services, loyalty and obedience, no matter what, is likely to be life-endangering.
5. **Centrality of battered woman.** If losing you represents or precipitates a total loss of hope for a positive future, your batterer may choose to kill.
6. **Depression.** Where a batterer has been acutely depressed and sees little hope for moving beyond the depression, he may be a candidate for homicide and suicide. Research shows that many people who are hospitalized for depression have killing fantasies.
7. **Weapons.** Where a batterer possesses weapons and has used them or has threatened to use them in the past in his assaults on you, the children or himself, his access to those weapons increases his potential for lethal assault. If a batterer has a history of arson or the threat of arson, fire should be considered a weapon.
8. **Timing.** When a desperate batterer believes that he is about to lose you or when he concludes that you are permanently leaving him, if he cannot envision life without you, this may be when he chooses to kill. That is not to say that all batterers kill when they conclude that the battered woman is separating from them. Some kill long before they have any inkling that the battered woman may be thinking about leaving. So, it is not safe to assume that because you haven't made plans to leave, that the batterer will not be dangerous.

SECONDARY CONSIDERATIONS

1. **Rage.** The most life-endangering rage often erupts when a batterer believes the battered woman is leaving him.
2. **Drug or alcohol consumption.** Consumption of drugs or alcohol when in a state of despair or fury can elevate the risk of lethality.
3. **Acute mental health problems.** Very few batterers are mentally ill. And many mentally ill batterers are not homicidal. However, when a batterer is having an acute psychotic episode, he may be more dangerous and the effect of the mental illness must be considered in evaluating the risk.
4. **Pet abuse.** Those batterers who mutilate or kill pets are more likely to kill or maim family members.
5. **Access to the battered woman and/or to family members.** If the batterer cannot find you, he cannot kill you. If he does not have access to your children, he cannot use them as a means of access to you. Therefore, careful safety planning should occur for those times when you predict you will have contact with the batterer.

The presence of these Primary Indicators may mean that the batterer is contemplating homicide. You should immediately take action to protect yourself and your children. Contact the local battered women's program to further assess lethality and make safety plans.

This is not a formula for certain prediction of dangerousness. Completing this assessment is no guarantee of safety. If you conclude that your batterer is not likely to make a life-threatening attack on you at the present time, you might want to keep this form and use it for comparison at some later date when you assess the dangerousness of your batterer.

Even if you conclude that your batterer is not likely to try to kill you or members of your family, you should consider developing a safety plan. You can do this yourself or with the assistance of advocates at the local domestic violence program.

Remember to trust your own assessment. However, when family, friends, and law enforcement conclude that he is more dangerous than you have assessed, be open to hearing their evaluations and using information they give you in a reassessment of the batterer.

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Barbara J. Hart
PCADV, 1989

SAFETY PLANNING FOR BATTERED WOMEN

Every battered woman needs a safety plan. The design of a safety plan is an on-going process. Periodic assessments of the strength of the plan are essential. While battered women are fully capable of designing safety plans themselves, ODVN strongly recommends that battered women undertake strategic planning with other survivors and advocates in domestic violence programs.

Essential components of a safety plan are:

- **Legal protections.** In Ohio, a civil protection order restraining the batterer from violence and other coercive action is available to victims of family violence. The statute permits eviction of the batterer from the home and provides for temporary custody of the children. When a battered woman has filed assault charges against the batterer, she may receive protection pursuant to bail provisions that impose a temporary restraining order against the batterer.

When a batterer has also abused the children, the child protective services agency may be helpful to the battered woman in her application for sole custody and to limit batterer access to the children to supervised visitation.

- **Community and support groups.** An important part of building safety is re-establishing community and support. Domestic violence programs offer support groups for battered women. These break through the isolation that battering has imposed and contribute substantially to the safety planning and personal empowerment of each participant. The philosophy of support groups is that battered women can best help each other; that although they are disempowered and controlled by the violence inflicted by their partners, they are not disabled or inadequate persons. Battered women can offer each other critical thinking and support in the development of survival strategies. Group discussion will invariably raise issues that an individual woman might not consider. However, one caution about group planning activities is that each battered woman's reality is different. Therefore, each safety plan must be individually tailored. A formula approach to safety planning will endanger and disempower battered women.
- **Changing people, places and things.** Batterers count on victims to maintain their routines - to be predictable. Therefore, in strategizing for safety, battered women may want to shop at different grocery stores, locate the bridge club in someone else's house, change babysitters, attend a different Mass, or visit family on another day. Batterers will have less access for purposes of violence and harassment after these changes.
- **Escape plans.** Battered women should devise escape plans from their homes, schools, places of employment, churches, etc. Part of an escape plan might be instituting an early warning system. But also, evacuation routes should be tested and plans for obtaining emergency assistance or police response after escape should be made.
- **Safe and secret shelter.** Every safety plan needs a back-up provision for secure shelter if the other elements fail. Safe shelter can be provided by most domestic violence programs. However, sometimes there is no space available. Therefore, a battered woman should carefully identify additional options for emergency housing.

APPENDIX 4

- Information about batterer's participation in treatment and review of his responsibility plan. A battered woman must have notice about her partner's attendance in a treatment program for men who batter. She should also be apprised of the responsibility plan developed by the batterer so she can assess the seriousness of his commitment to non-violent and non-coercive conduct. This information will help her shape her safety plan.

There are many other potential elements to a safety plan. Battered women can explore these with help of advocates in domestic violence programs.

Rehearsal is a key factor in the effectiveness of safety plans. Battered women should walk through safety plans in order to evaluate their feasibility. Modifications may be made when rehearsal reveals flaws. Once a plan appears appropriate to a battered woman, she should literally practice this plan with enough repetition so that it comes quickly and completely to her recollection during crisis.

Barbara J. Hart
for ODVN
1990

PARTNER CONTACT

The following guidelines are proposed for contact between programs for batterers and partners.

1. **Limited Contact.** Batterers programs should not be the primary resource for victims. Professionals providing services to batterers should not to engage in therapy or direct advocacy for victims.
 - a. Instead they should collaborate with shelters and demonstrate accountability by regularly referring women to these resources. Should women be reluctant to accept a referral to the local battered women's program, efforts will be made to ascertain the reasons for reluctance and to work with the shelter to address the concerns. If this does not remedy the reluctance, then efforts should be made to connect the partner with women's groups, activist women, or feminist therapists in the community.
 - b. Information regarding the curricula and practices of batterers' programs should be made available to victims. Victims and the general public strongly believe in the efficacy of batterers' programs. Thus, information disseminated to battered women and the public must clearly set forth the limitations of the batterers' program. Communications should not represent programs as achieving more than they can actually accomplish. Partner and public information should specifically state that batterers' programs provide a minor role in the community plan to eliminate domestic violence. These written and audio/visual materials should be reviewed by shelters and advocates and feedback incorporated in revisions to these materials.
 - c. Providers of services for batterers must guard against asking a battered partner to support or expedite a batterer's participation in the educational/counseling program. Any contact with the partner is or may be pregnant with opportunity for her to renew a sense of responsibility for the batterer, for his change, or for the success of the program.
 - d. Partner contact should be evaluated essentially from how it may supplement or undermine her safety.
 2. **Informed Consent.** Before battered women share information with batterers' programs, the program must carefully describe the concept of informed consent to the battered woman; identify safety issues that may arise from the disclosure; advise of the need for a safety plan; and refer to the battered women's program or elsewhere for development thereof.
 3. **Contact at Option of the Partner.** Partner input should always be clearly optional. Her safety is foremost. Program staff may suggest that battered women discuss the advantages and disadvantages of continued contact with the batterers' program with advocates at the local domestic violence program. Any solicitation of a battered woman's input, however valuable it may be to the batterers' program, must be clearly identified as optional and not necessarily in her best interest.
 4. **Duty to Warn.** Programs for batterers have a "duty to warn" partners and third parties of the danger of potential assault by program participants. The duty to warn victims of potential violence is affirmative; not only permitted, but expected. The contract for the program, enumerating the responsibilities of the program and the batterer, should advise that this type
-

APPENDIX 5

of contact will be made by staff. A procedure should be adopted to enact this principle; warnings should be directly from the program, itself, or through victim advocates, if this is unsuccessful. Every effort must be made to assure victim safety. It is appropriate for shelters and coalitions to closely monitor compliance with this standard.

5. **Confidentiality or Privacy Waivers.** Programs that offer services to batterers must utilize appropriate instruments that heighten the victim's safety or reduce the misuse of the program by the batterers. Two of these would include:
 1. Waiver of Confidentiality and Release of Information
 2. Waiver of Rights to Disclosure and Testimony
6. **Disclosure Verification.** Partner contact allows programs to supplement/verify the batterer's disclosure of his abuse. Partner enumeration of violence or power and control tactics provides a more accurate picture of the batterer's patterns of abuse. However, every effort must be made to increase disclosure from batterers, themselves. Relying upon victims to supplement batterer disclosure may prove only to support batterer denial/minimization and maintain partner responsibility to and for him.
7. **Confrontation of Batterer.** Some battered women are quite clear that they want batterers to be confronted with acts of violence, abuse or violation of protection orders. Certainly, the batterers' program staff can decide not to confront the batterer about the conduct reported by the battered woman; but if they choose to confront him, before doing so program staff should ascertain that the battered woman has a support community and has made a safety plan related to the potential consequences of confrontation.

Some battered women contact batterers' program staff to report abusive and endangering conduct of batterers, yet they do not want the batterer to know of their communication. If the program decides to work with the batterer on the issue presented by the battered woman, she should be advised and again safety issues and plans should be identified in light of potential consequences of this indirect confrontation.

Used with permission
David Houseal
ADVANCES
York, PA
1990

INFORMATION PACKET FOR BATTERED WOMEN**I. OUTREACH LETTER**

New Directions
Box 453, Mt. Vernon, OH 43050
614/397-4357

Dear _____ (battered woman):

Recently I received a copy of the report filed by the Mt. Vernon Police Department (or the Knox County Sheriff's Department) about the domestic violence incident which you experienced on _____ (date).

The purpose of this letter is to inform you of the services which are available to you through New Directions and the program which is available for your husband (male partner).

New Directions provide services to woman abused by an individual within her home. Services available are:

- 24-hour crisis hotline - 397-HELP
- Shelter (safe house for victims of abuse)
- Individual counseling
- Support groups for victims of physical and sexual violence
- Weekly educational classes for women about the causes of violence
- Advocacy (supportive/informational services)
- Support groups and assault prevention classes for children

I have enclosed a copy of the brochure that explains the MEND program that is offered to men who are abusive. You will also find a paper that will explain the domestic violence law, both civil and criminal.

As a victim advocate of New Directions, it is part of my job to offer support and information to victims of abuse. I can help explain domestic violence law and the procedure to file charges. In addition I can accompany you to legal appointments and hearings, if you desire.

If you are considering or already have filed domestic violence charges, and you are in need of information and support, please feel free to contact me through the hotline number, 397-HELP. If I am not available, please leave a message with information on how to contact you.

Sincerely,

Victim Advocate

Enclosures: MEND Pamphlet and
Domestic Violence Law

Used with permission of New Directions.

APPENDIX 6

II. ABOUT YOUR PARTNER

Why do men come to the Batterer Education Group?

Many men call the Batterer Education Group after they have been ordered into counseling by a court. Sometimes it is the criminal court that compels the batterer to seek treatment after conviction of an assault on his wife or partner. Civil courts also order men into treatment as a condition of protection orders. If a batterer does not follow through with whatever treatment program is designed for him, he may be incarcerated. The threat of incarceration encourages most batterers to seek treatment and attend regularly.

Other men call the Batterer Education Group after a crisis. Usually, a man has acted violently toward his partner and she has left or threatened to leave or has obtained a temporary protection order which bars him from entering the home and communicating with her. Many of the men in group have told us that it was only after their partners left or took legal action that they realized the seriousness of their violence.

Unfortunately, some men are not ready to change even after a crisis. Too many come to the group only to avoid incarceration or because it looks good to others and participation convinces their partners to take them back. But real change is only possible if the batterer decides he wants to change – regardless of whether the couple remains together or not.

Am I to blame for his violence?

Absolutely not. The primary goal of the group is to help each man accept total responsibility for his violence – regardless of whatever other problems may exist in the relationship. We believe that there is no place for violence in any relationship and that it is never justified.

Men who are violent often blame other people or their own up-bringing. Many men say that their wives/partners provoke them to be violent. Batterers often use the excuse that what a partner did, didn't do, or was suspected of doing, made them violent. No one can make another person be violent.

Batterers who use threats and violence are making a conscious choice to act. Batterers often say that women make them so mad that they lose control and become violent. We know that batterers allow themselves to become very angry when they don't get their own way. However, this anger does not make them lose control. They choose to be angry and how to act when they are angry. Even if there are reasons for anger, there are never reasons for violence. Only the batterer is responsible for his violence.

Should I leave if he is violent again?

Maybe you should leave *before* he is violent again. Your first consideration should be own physical safety. The enclosed material includes information on support services and legal options for women who have been abused by their partners. For additional information, you can call _____ (the local battered women's organization).

Doesn't drinking cause him to be violent?

No. While some men are abusive only after they have been drinking, this does not mean that the alcohol causes the violence; it just makes it easier for the man to avoid taking responsibility for the

violence. In other words, the alcohol provides a convenient excuse for the man to say, "It wasn't me, it was the alcohol." This does not mean that the drinking is not a serious problem, however. When a man drinks excessively and is violent, he has two problems for which he must take responsibility. Unfortunately, alcohol problems often block people from getting help to stop their violent and controlling behaviors.

The Batterer Education Group will help each batterer figure out how his drinking or drug abuse fits into his pattern of violence toward family members. If your batterer is an alcoholic or an addict, the instructors will refer him to a program where he can get the help he needs.

It is important to remember that even if a batterer stops drinking or taking drugs, he is not going to stop his violence unless he gets help in breaking the habit of violence to get his own way with you and other family members.

What if he's sorry?

Many men who abuse their women partners are sorry about it afterwards. Some women are willing to forgive and forget at this point only to become abused again when the man's guilt evaporates or turns to resentment and violence erupts. However, it takes more than flowers and apologies to end violent and controlling behavior. It takes a willingness on the part of the man to accept total responsibility for his violence and its effects on others. A batterer will begin to use apologies as a way to keep his woman partner from leaving. Rather than manipulation through apologies, a batterer must make a commitment to stop his violence and take action to honor that promise.

Can he really change?

Yes, but only if he wants to and probably not without help. A batterer must accept responsibility for both his controlling behavior and his violence. Experience has shown us that men who are violent and controlling are likely to continue unless they receive counseling. Much depends on the man's motivation and commitment to working on his problems. Where the community – police, family, employers, ministers, and friends – tell the batterer that violence is intolerable, a batterer will be encouraged to stop violence and threats of violence. Change does not occur overnight or even in a few weeks. Men must work at non-violence for the rest of their lives. Some men drop out along the way.

The instant a man enrolls in the Batterer Education Group, he typically calls his partner who separated from him because of the violence. He claims that he has changed and will not be violent or controlling in the future. He points to his enrollment in the batterers' program as evidence of his change. Many battered women are tempted to reconcile with the batterer based on the fact that he has sought treatment. In our experience, enrollment is often manipulation. The batterer does it in order to persuade his partner to return to the relationship. Real change doesn't happen this quickly. We encourage battered women to consider waiting for reconciliation until after the batterer has completed the treatment program. It may then be apparent if the batterer has really chosen to change.

Wouldn't marriage counseling be a better solution?

Not if violence or the threat of violence still exists in the relationship. Although many people have said that it "takes two to tango", it only takes one person to be violent. Men who come to group learn that violence is not a reaction to the actions of women partners. Violence is a tool the batterer uses "to get what he wants, when he wants it." More importantly, it is his attempt to control you.

APPENDIX 6

Often marriage counselors ask both parties to change their behavior in order to address a problem in the marriage. When the problem is violence, however, only one person can make the change that will end the violence; that is the batterer. Many women have told us about the beatings they suffered when they did exactly what a batterer asked, at the time, in the way, and at the place that he demanded her compliance. Yet, he changed his mind and beat her up even though she did what he wanted. Therefore, marriage contracts -- in which batterers refrain from violence on condition that battered women act in accordance with their wishes -- don't work.

Only after the violence has ended can communication problems be worked out. In fact, we recommend marriage or family counseling after your partner has completed his program, but ONLY if he has stopped being violent for at least six months and if you are interested in continuing the relationship.

What happens in the Batterer Education Group?

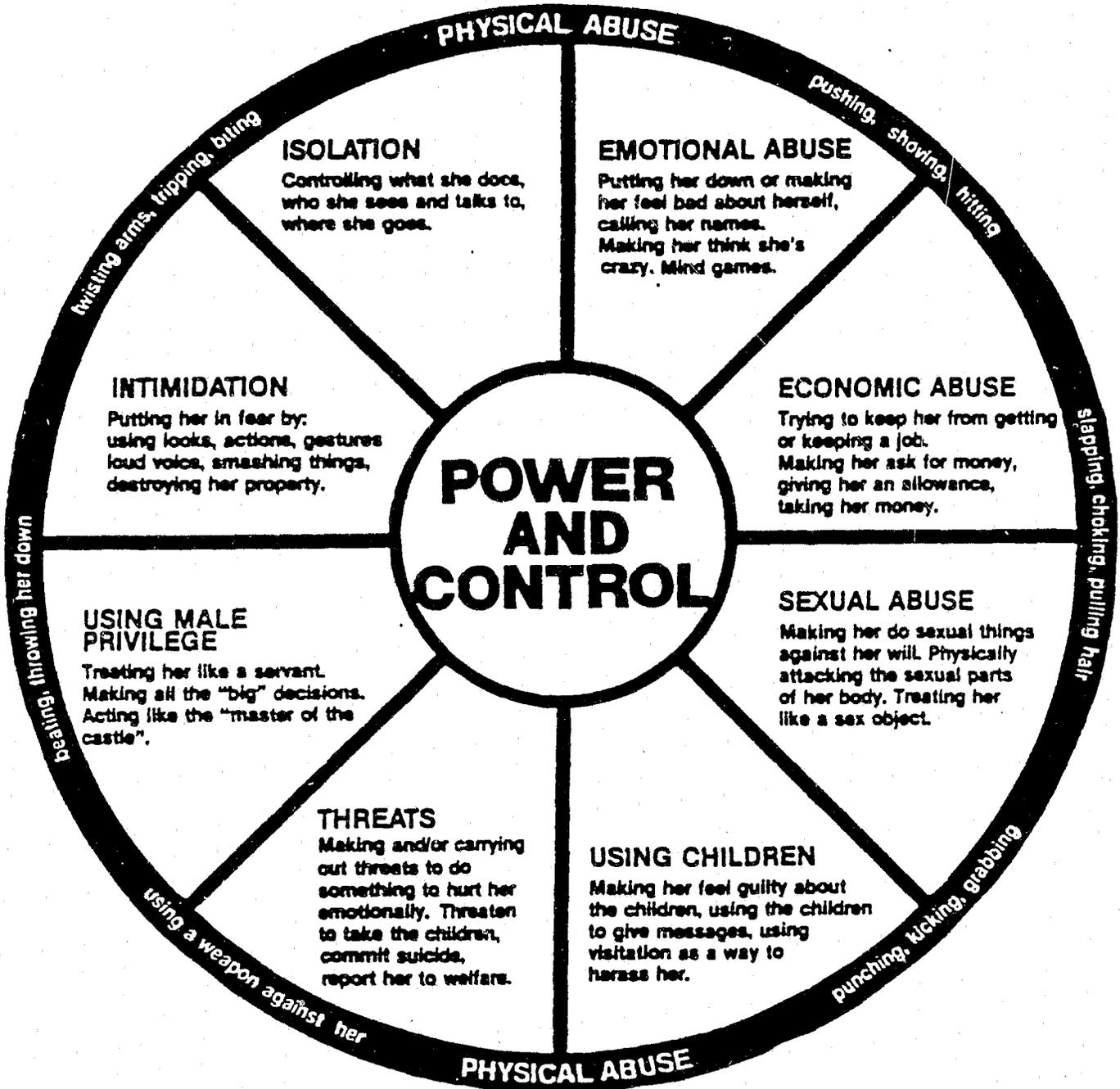
Before being accepted into the group, an orientation session is held which explains the program and each participant's responsibilities. The staff decides whether the batterer should be accepted into the program. If accepted, a contract must be signed which contains: a release to notify you about his participation; an agreement to supply certain records before starting the group; a description of the group rules and his responsibilities as a group member; his agreement to pay for services, if possible; and his promise to cooperate with the facilitators and other members of the group in ending his own violence and in helping others to likewise do so. It is also a part of each man's written contract that he report any incidents of violence or coercion toward his partner to the group.

Each group is comprised of men who have used violence and controlling tactics against their partners. The group meets for two hours each week. There are two facilitators of the group -- one male and one female.

Each man sets goals and works on them within the group and practices new behaviors outside the group. Typical goals include:

- stopping verbal, sexual and physical abuse
- learning to recognize and admit violence and controlling behaviors
- learning to stop controlling behaviors
- learning to express feelings other than anger
- learning to listen better
- learning to share family resources
- learning to relax, being more patient
- learning to ask for help
- learning that women are entitled to lives free of violence and control
- learning to take care of his own needs
- developing respect for woman partners
- becoming less competitive
- giving more support and praise to others

Your batterer will be asked to eliminate all controlling behaviors on the Power and Control Wheel below.



Duluth, Domestic Abuse Intervention Project
206 W. 4th St., Duluth, MN 55806
218/722-2781

APPENDIX 6

How do I know when he changed?

There can be no simple answer to this question. Only you can answer based on your own perceptions of your battering partner and your own sense of safety. There are some questions you can ask yourself, however, which might help you decide whether he has changed enough for you to feel safe with him. These include:

- Has he stopped being violent or threatening towards you and others?
- Does he still make you afraid when you are with him?
- Is he able to be angry without becoming verbally or physically abusive?
- Are you able to express anger towards him without being attacked?
- Are you able to make decisions about your own life without fear of his retaliation?
- Is he able to hear and respect what you are saying even though he may not agree?
- Can he negotiate with you without being attacking or controlling?
- Can he respect your right to say no or to disagree with him?
- Is he able to express feelings other than anger?
- Does he still blame you for his anger, frustrations and violence?
- Does he respect your right to be different and to make your own decisions?

The Batterer Education Group completes an evaluation of each batterer when he finishes the program. Your partner will also be asked to complete his own evaluation. You may want to review these evaluations and compare them with your own evaluation. Do their answers fit with yours? Where there are differences and you have not seen the change that they believe has happened, trust yourself. You are the best evaluator. Unless you are satisfied that he has stopped controlling behaviors, that he has eliminated threats, and that he has not been violent, he hasn't changed enough. Your safety and autonomy must come first. Don't feel pressured to compromise your well-being because of small changes made by your partner.

How can I be safe while he's in treatment?

We believe that it is important for every battered woman to devise a safety plan. The safety plan includes strategies for protection in a variety of circumstances. There are also legal safeguards. Battered women whose partners are engaged in the Batterer Education Group are strongly urged to contact _____ at _____. (Insert the name of local battered women's organization in the first space and the telephone number of the organization in the second.) We can assist you in planning for your safety.

Can I call you if I have questions?

Yes. If you have questions, please call _____ at _____. (Insert the name of the battered women's organization in the first space and the telephone number of the organization in the second.) You might want to ask for _____ or _____. (Insert the name of two contact women so that the battered woman does not get a run-around when she calls the program.) Please note that we offer a two-hour information program that will give you more detailed information about the Batterer Education Group. If you are interested, please give us a call. No question should go unanswered. We are here 24-hours a day to help you.

Adopted from EMERGE
Barbara Hart, 1990

PARTICIPANT CONTRACT/AGREEMENTS**CONTRACT**

I. I, _____, (PARTICIPANT), hereby acknowledge that I need help because of my past violence, and that I need to learn and use nonviolence. I agree to deal with my problems by working with the CENTER FOR NONVIOLENCE (CFN). During the term of this contract, I agree:

1. Ending violence.

- a. I will not use physical and sexual violence toward others, or toward myself, as long as I remain with CFN.
- b. I will not use verbal and mental violence toward others, including all threats of violence or suicide, name-calling or intimidation.
- c. I will not injure or destroy pets or property as a means to hurt or control others.
- d. I will not engage in abuse of drugs or alcohol, and will not in other ways inflict harm upon myself.
- e. I will earnestly try to find ways to stop controlling other people. I will not follow, harass, or hold onto a person who has expressed a wish to be free of me.
- f. I will not withhold child support, nor access to children. I will not involve myself in legal actions where the main goal or a main strategy is to hurt, harass, humiliate, or control another.
- g. If I make a mistake, and break any of the above agreements for ending my violence, I will report this immediately to CFN, and will openly talk about the problem. I will accept the consequences of such behavior, including possibly extending my program if CFN staff so requests, possible removal from the program, or other intervention.

2. Non-Violence Plan.

I will turn in written assignments when due, and will turn in an approvable Nonviolence Plan within eight (8) weeks after signing this contract. I will continue to work on the plan until it is approved by CFN. I understand that I may be removed from CFN for not doing this. I will ask for help if I am having trouble writing the plan. I understand that I will be expected to remain in Phase One groups until this plan is approved, and that the total number of CFN sessions may be increased if I do not turn in an approvable plan on time.

3. Attendance and Fees.

I agree to ATTEND WEEKLY, to BE ON TIME, and to PAY AS I GO.

- a. *Attendance.* Unless more are required under paragraphs 1(g), 2 or 3(b)(ii), I will attend a total of 29 sessions, including:
 - i. Eight (8) Phase One Workshops (one hour weekly) as follows:
 - ii. Three (3) individual conferences including, by appointment, the initial conference, and an interim conference, and one (1) follow-up. I may contract for additional conferences at fees specified by CFN.

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iii. Eighteen (18) Phase Two groups (two hours weekly) as follows:

I understand that I may be removed from the program for absences and tardiness. I will notify CFN in advance for any absences, but I understand CFN does not differentiate between "excused" and "unexcused" absence or tardiness. I will be given the written absence policy upon request.

b. *Fees.*

i. I will pay a total of \$_____. This will be payable at _____ per week (PROVIDED that the full balance will be paid off no later than _____, 19__). I agree to pay 12% interest per annum plus attorney fees for collection if I become over 30 days behind on payments. I understand that failure to pay as scheduled may result in my being barred from attendance or removed from the program.

ii. Alternative: Since I can't pay fees, I will go to an additional group one hour every Tuesday at 8:30 a.m. instead of Phase I fees. Other fees will be worked out as I can pay. Sign if o.k.:

4. *Release.*

a. I have correctly given CFN the address and phone number(s) of (SPOUSE, PARTNER, COMPLAINANT), _____, and will immediately inform CFN of any changes therein.

I give CFN permission to contact her in order to tell her when I start the program, show her my written Nonviolence Plan, tell her when I stop attending, tell her how I am participating and progressing, invite her to evaluate my progress, refer her to women's counseling or suggest other options for her safety or well-being, and give her or her counselor or agent other information as CFN deems necessary.

b. I further give CFN permission to contact the following person(s)

c. CFN has my full consent to release any pertinent information and to express opinions concerning my case to all persons named in paragraph 4 (a) and (b). I further give my full consent to each of said named persons to release, discuss, or disclose any pertinent information and to express opinions to CFN concerning me or my case.

d. I will not bring any suit and I waive and release CFN, its agents and all named persons, from any liability for acting in reliance upon this release. I understand that I may be informed of any communications which take place between any of the named persons and CFN, and I waive any right to have access to or to be informed of the nature, content or existence of any such communications. This release shall be valid for a period of 14 months from the date of this agreement.

5. Participation.

- a. I understand that CFN is providing an educational service to me, does not have psychiatrists, psychologists, or physicians, and will not be offering professional therapy, medical or psychological diagnosis, prognosis or treatment, nor any legally binding confidentiality privileges which are available to clients of professionals therapists.
- b. I agree that the purpose for my being in this program is to become nonviolent, and I will act accordingly both in counseling and in my personal life. I will participate openly, honestly and actively on a regular basis, and I will abide by all group and program rules, which I have a right to have in writing.
- c. If related personal problems exist or surface, such as alcohol or drug abuse, or mental health issues requiring professional attention, I will seek appropriate treatment as a condition of my continued involvement with CFN. I will cooperate with measures to assess such problems, if so requested by CFN. (Specific agreements):
- d. I understand I may be removed from CFN if I do not abide by this agreement, and I will be liable for all fees and expenses.

- II. CFN agrees to offer its facility and services to the PARTICIPANT for so long as he abides by his part of the agreement. Other than as expressly permitted by PARTICIPANT in this above RELEASE, or otherwise in writing, CFN will strive to preserve PARTICIPANT'S confidences, except as ordered or required by a Court, legal authority, or legal duty.
- III. PARTICIPANT has read this agreement, understands that, once signed, it is legally enforceable, and knows that he may consult with his attorney or advocate before signing , if he so desires.

DATED, this _____ day of _____, 19__.

PARTICIPANT

CENTER FOR NONVIOLENCE

Used with permission
Center for Nonviolence
1122 Broadway
Ft. Wayne, Indiana
1990

APPENDIX 7

PARTICIPANT AGREEMENTS

Explanation of/Agreement to Fees

Client's Name: _____ Client #: _____

Intake Date: ____/____/____ Date of First Group Attendance: ____/____/____

Review Dates: 12 week: ____/____/____ 48 week: ____/____/____
24 week: ____/____/____ 60 week: ____/____/____
36 week: ____/____/____ 72 week: ____/____/____

Client's Gross Income: \$ _____ (weekly, bi-weekly, monthly, yearly)
of Dependents: _____

Insurance Company: _____
Address: _____

Explanation of Fees:

Northwestern Ohio Crisis Line, Inc. is a non-profit agency, and fees for service go toward support of the agency's services. Fees vary based on the type of service provided. All fees applicable to services you receive from Northwestern Ohio Crisis Line, Inc. will be explained to you. By signing this form, you are verifying that the sliding fee scale has been explained and that the information provided above is correct to the best of your knowledge. Services will not be denied because of your ability or inability to pay.

I give my permission to release information necessary for processing any insurance claim I make for services received through Northwestern Ohio Crisis Line, Inc. I understand that I may make a payment at this time and that I am responsible for any balance due.

Please indicate that you have read the explanation of fee paragraph, and agree to the permission for release of information, by signing below.

Client Signature Date: _____

Used with permission of Jean Small and Phil Haggerty
Adopted from original form by Phil Haggerty

INFORMED CONSENT

Northwestern Ohio Crisis Line, Inc. (NWOCL) will respect your right to confidentiality of all personal information. However, records may be reviewed and audited by qualified personnel conducting agency-authorized research, program audits, and by third party payors according to set guidelines. Information may also be shared with other facilities of the Department of Mental Health for purpose of coordination of service. NWOCL is also required by law to release information without your permission if you threaten bodily harm or death to another person or yourself, if a court orders the information to be released, or if a counselor suspects abuse or neglect of a person who is protected under State law. Further, NWOCL will release information as authorized by my signed consent.

I have received and understand the Client's Rights Statement given to me on this date, and my signature below verifies that I have given permission to begin treatment.

Client Signature

Date: _____

Used with permission of Jean Small and Phil Haggerty
Adopted from original form by Phil Haggerty

APPENDIX 7

SERVICE PLAN AND PERMISSION FOR TREATMENT

The following specific treatment recommendations are being made at this time

<u>Goal</u>	<u>Treatment Method</u>	<u>Provider</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby state that I have participated in the development of this plan and that I fully understand and agree to it.

I hereby give permission for treatment to NWOCL and their contracting psychologist. The benefits and risks of treatment, including any medication which may be prescribed, have been fully explained to my understanding. Treatment will be given in accordance with NWOCL's approved quality assurance plan and in accordance with NWOCL's posted client rights policy.

This Service Plan and Permission for Treatment will expire in 90 days or may be revoked by written notification from myself at any time.

Client Signature

Date: _____

Date: _____

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Adopted from original form by Phil Haggerty

GROUND RULES

Ground Rules for BTP Meetings:

1. Meetings will be held on Tuesday, 5: PM - 7:00 PM, at NTC.
2. Smoking is not permitted during the meetings
3. No drug or alcohol use is permitted for four hours prior to any BTP meeting.
4. Fees will be collected weekly.
5. Breaks will occur as time and process permit.
6. Participants will purchase notebooks and use these as their journals.
7. Information is confidential, except as participants have waived that right.
8. It is the responsibility of the members to ask for what they need to take care of themselves.
9. Members are given permission to express themselves without fear of ridicule.
10. All business transactions will be conducted outside of group sessions.
11. Members will give the group two week noticed when planning to leave the BTP group.

Procedure for assignment: "My Most Violent Incident" —

1. Get yourself alone in a quiet, comfortable place with your notebook/journal and pen/pencil.
2. Think about the times you physically, mentally/verbally, or sexually hurt your partner and choose the incident that you feel hurt the most.
3. Begin writing down a description (true story) of:
 - a. What *you* were thinking toward your partner.
 - b. What *you* said to your partner.
 - c. What *you* physically/verbally/sexually did to your partner.

* Leave out what your partner's behavior was.

4. Express how you felt after you did what you did.

Bring this to your first group meeting.

INTAKE CHECKLIST

Name _____

Item	Date	Initials of Worker
Intake form completed	_____	_____
Violence inventory completed	_____	_____
Guns & weapons surrendered	_____	_____

To Whom: _____

Address: _____

Home Phone Number: _____ Work Phone Number: _____

Verification of gun surrender	_____	_____
Protection Order(s) furnished	_____	_____
Police reports furnished	_____	_____
Probation or parole conditions furnished	_____	_____
Mental health records - release signed	_____	_____
records furnished	_____	_____
Notification of victim and battered women's program - release signed	_____	_____
notices mailed	_____	_____
Agreement for notification of significant other before termination	_____	_____
Description of group and information about woman abuse	_____	_____
Control log introduced & discussed	_____	_____

APPENDIX 8

Statement acknowledging violence,
its problematic nature, and
commitment to ending violence
and control signed

Review of program rules

Contract for services signed

(Some of the above may not be applicable for this client. Where this is true, the interviewer will state "N/A." A program may decide that all of the above need not be completed before the client enters a group. If the orientation phase is 3 weeks, however, it should be possible to accomplish all of the above before entry into the group.)

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Barbara J. Hart
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SELECTION

I. Intake Screening: It is essential that a batterer's program develop and maintain criteria for an intake process that will make clear that program's criteria for the selection or rejection of referrals. It is expected that each program will document both the criteria for the acceptance or rejection of men and will be able to demonstrate the autonomy to exercise those criteria.

Intake Evaluation. The program shall conduct and document an intake client evaluation that accomplishes the assessment of the following:

1. An assessment of the client's history of violence, abuse and over-control in the present relationship, any previous relationships and any non-intimate violence. This assessment will include independent descriptions of the client's violent behavior from criminal justice agencies, victim's, and other treatment providers.
2. An assessment of the lethality of the potential participant. Included in this assessment of the client's potential of harm to self or others should be: a history of threats of homicide or suicide, a history of fantasy of homicide or suicide, possession or an access to weapons, degree of obsessiveness and dependency on the relationship, a history of rage states, a history of depression, a history of drugs or alcohol use, and the degree of access to the partner. It is assumed that if a sufficient number of these factors is present in a given client, it will be the responsibility of the batterer's program to make a decision as to whether the individual is amenable to treatment or whether in fact that treatment will further jeopardize the partner. It is the responsibility of the program in its assessment of the lethality to notify the batterer's partner of such assessment and to encourage her to make plans to protect herself and whatever children may be involved.
3. An assessment of the client's history of violent or anti-social criminal tendencies. It is understood that an extensive criminal record involving violence against a variety of persons may mean that the individual is contraindicated for treatment. This assessment will also ascertain a history of protection from abuse orders, arrest, etc.
4. An assessment of the client's usage of drugs and alcohol. It is the responsibility of the batterer's program to determine whether the referral has a primary drug or alcohol problem. Acceptance into the program should be conditioned on fulfillment of all referrals to treatment for drug and alcohol problems.
5. As part of the intake process it is expected that a given program will execute a contract between that program and the entering participant. This contract will specify the responsibility of the treatment provider and the perpetrator. This contract should include such minimal elements as: an agreement to cooperate with group rules while a member of the program, furnish information, to develop and adhere to a responsibility plan and abide with all court orders. This contract should specify that domestic violence and/or child abuse or neglect occurring during treatment will be reported to appropriate legal agencies. Potential victims will be warned.
6. An assessment of the individual's mental status and clinical impressions will be carried out. It is the responsibility of the program to ascertain the presence or absence of psychiatric disorders. A minimal status exam will be carried out so that the program can determine if the

APPENDIX 9

referral is evidencing signs of any of the following disorders: thought disorders involving delusions or conditions of depersonalization, paranoia, paranoid thought disorders, personality disorders of the dependent narcissistic or antisocial variety, bipolar disorder, major depression or explosive personality disorder. Further, it is the responsibility of the program to ascertain if there are any organic brain conditions or other medical factors which may be affecting the individual's behavior and his ability to participate in the program. The program shall document diagnoses and specify what steps were taken in terms of the diagnoses.

7. A psycho-social history shall be part of the assessment process which would include information on the perpetrators family of origin, specifically to include any history of physical or emotional abuse inflicted by the parent figures, history of exposure to drug or alcohol abuse or parental (spouse to spouse) violence, history of mental health disorders in the family, and a history of the perpetrators personal development in terms of financial stability, employment stability, previous counseling involvement, parent/child relationships, relationships with partners, and disturbances in relationships with employers or neighbors, and any patterns of isolation.
8. If it is the decision of the program to refuse the client for admission to the program it is expected that the program will notify the partner either directly or through the services of the shelter women's program and/or if the client is court-ordered, to notify the court of this rejection.

Summary on Intake Screening and Selection

It is the obligation of the batterer's program to establish the criteria for the acceptance or rejection of referrals. It is essential that the batterer's program not allow themselves to become a dumping ground for any or all referrals. To carry out this responsibility, it is essential that each batterer's program consistently screen all referrals to determine their appropriateness and readiness for treatment. In carrying out this screening it is understood there are present certain factors, i.e. certain types of mental illnesses, organic brain disorders, extensive history of non-intimate violence, extensive history of violent criminal behavior, a history of extreme or perverse cruel violence within an intimate relationship, presence or history of drug and alcohol problems, and/or complete refusal or denial to take any responsibility for the violence, that may make rejection of the individual necessary. Further it is understood that certain steps such as notifying the partners and the courts must be carried out.

While it is understood that the above criteria for intake screening process are necessary, it is also agreed that selection criteria will to some degree be a function of the type of group or program model that the particular batterer's group is utilizing. That is to say whether that particular group is using closed versus open, whether or not there is a set number of ongoing sessions and so on. Such factors as these and others may influence selection criteria.

Used with permission
Bob Most
MOVE
Mansfield, PA
1990

CONTROLLING BEHAVIOR CHECKLIST

Instructions: This is a monitoring chart for battered women to monitor the controlling behaviors of their violent and abusive partners. This sheet is for one week of monitoring. Each time that your partner controls you physically, psychologically or economically, please make a ✓ on the line next to the action he took. You may place any number of checks on a line. If the action frightened you, put a circle around the check - (✓) . If the action resulted in injury to you, any member of the family or property, put a box around the check - [✓] . Where an action both frightened you and caused injury, place a box and a circle around the check - [✓] . Please also make a note of *where* the controlling behavior occurred at the right hand side of the paper.

If you have any questions about these instructions, ask your advocate for clarification. These forms may be kept in your monitoring file at the battered women's program.

Battering:	Location of Control of Incident
_____ hitting, burning, kicking, choking, pushing, raping, punching or other uninvited touching	_____
_____ throwing things	_____
_____ assaulting with a weapon (knife, gun, iron, magazine, etc.)	_____
_____ abusing furniture, pets, walls, etc.	_____
_____ physical intimidation (e.g., blocking a doorway during arguments, angry gesturing, etc.)	_____
_____ threatening violence (verbally or nonverbally)	_____
_____ uninvited visits or calls, following you around, checking up on you	_____
_____ not leaving when asked to	_____
_____ confining you to house or room, or locking you out of home	_____
_____ any other physical act that places you in fear	_____
_____ sexual coercion or manipulation	_____
_____ forcing you to use drugs or alcohol	_____
_____ other (Please describe.)	_____

APPENDIX 10

Psychological Controls:

Location of Control Incident

- _____ criticism (name-calling, swearing, mocking, put downs, ridicule, jealous accusation, blaming, making legal threats against you, etc.)
- _____ interrupting, changing topics, shouting, not responding, not respecting what you say
- _____ pressuring (expecting you to take care of him when you don't want to, rushing you, being impatient, guilt-tripping, sulking, making you feel sorry for him)
- _____ claiming he alone knows "the truth", insisting he is the authority
- _____ emotional withholding (not expressing feelings when appropriate, not giving praise, attention, information, support, concern, validation, and not being vulnerable)
- _____ breaking promises to you
- _____ other forms of manipulation.
- _____ not taking care of himself (not taking care of his clothes, making friends, finding support, etc.)
- _____ blaming his alcoholism or addiction on you or others
- _____ other (Please describe.)

When Control Incident Occurred

Economic Controls:

- _____ using money to manipulate
- _____ controlling resources (such as the car, checkbook)
- _____ not paying bills
- _____ not giving you money to pay for food, clothing, childcare, etc.
- _____ taking your money against your wishes

- _____ putting obstacles in your way to make it difficult to go to work or school _____
- _____ spending family money on drugs or alcohol _____
- _____ other (Please described.) _____

Name: _____

Week of: _____

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Barbara J. Hart
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SELF-EVALUATION

Violence

When was the last incident? Describe it.

What would you do differently now?

Controlling Behaviors

Which controlling behaviors are you still using? Please refer to the "Controlling Behaviors Checklist."

Taking Responsibility for Violence

Have you stopped being violent?

Have you fully admitted to your past violence?

Have you learned about other controlling behaviors?

Have you stopped trying to change her?

Are you respecting her wishes (including any restrictions) about the relationship?

Have you recognized the impact of your violence and control on others?

Have you talked about your violence with anyone outside the group? If yes, who?

Do you go along with other men when they criticize or make fun of women?

What will you be doing in the next three months to take more responsibility for your violence?

Caring for your Partner and Others

What positive things are you doing to show that you care about your partner? Please check the following.

- listening consistently
- trying to understand her point of view
- being supportive
- helping with the chores in the house

APPENDIX 11

- spending time with the children
- respecting her wishes and reservations about the relationship (not trying to pressure or rush her)
- respecting and showing interest in her opinion
- respecting her relationships with others
- respecting her independence and differences from you
- spending time together (when this is mutually wanted)
- providing financial support for her and your children (if this applies)
- providing positive attention (e.g., giving complements, recognizing what you've gotten from her, taking initiative to bring up her concerns, etc.)
- showing affection and being attentive to your children
- taking an interest in others

How much do you take an interest and show concern for other people in your life?

Taking Care of Yourself

If this applies, have you stopped abusing alcohol and drugs?

If you are out of work, are you actively looking for a job?

Are you satisfied with your job?

If not, are there ways that you can improve it?

Do you take enough time for yourself?

Have you developed your own interests and activities?

What are they?

Have you developed friendships with other men?

What do you do together?

Have you spent time thinking or reflecting about the issues that have been discussed in the group?

How much?

Do you express your feelings, ideas, and wishes in ways that respect other people's rights?

Are there any changes (besides those already discussed) that you want or need to make in the next three months?

What are they?

Are there any ways that you might prevent yourself from making these changes?

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EMERGE

280 Green St.

Cambridge, MA

DIVERSION PROGRAM FORMS

M. _____
Probation Department
Franklin County Municipal Court, 8th Floor
375 South High Street, Columbus, OH 43215

Re _____
Name _____ DOB _____
Date _____

Dear _____:

Mr. _____

HAS HAS NOT

_____ completed his Assessment/Linking interview on ____/____/____.
_____ attended his Men's Domestic Violence Program intake on ____/____/____.
_____ attended MDVP meetings on: _____

_____ missed MDVP meetings on: _____

_____ complied with the basic requirements of the MDVP.
_____ completed Pre-Phase I (weeks 1-4) on ____/____/____.
_____ completed Phase I (weeks 5-16) on ____/____/____.
_____ entered Phase II (ongoing advanced group)

Recommend other MDVP participation as follows:

Recommend other treatment as follows:

Additional information: _____

If further information is needed, please contact me at Southeast.

Sincerely,

Men's Domestic Violence Program

Used with permission of Jean Small and Phil Haggerty
Adopted from work of Phil Haggerty

APPENDIX 12

Northwestern Ohio Crisis Line, Inc.
P. O. Box 13
Defiance, OH 43512

TO: _____
Common Plea Court
Paulding County Courthouse
Paulding, OH 45879

FROM: Jean M. Small
Case Manager

RE: _____

April 3, 1990

Following a letter of February 20 and contact by his attorney, _____ did attend two sessions (02/27 and 03/06/90) of the Batterers' Treatment Program. He has now absented himself, without communicating any reason or intention in this regard. As a result of his failure to comply with the court order or BIP contract, _____ has incurred suspension from continuing participation and referral back to your court. (Copies of this letter are being forwarded to both, _____ and his attorney).

We appreciate your referral to the Batterers' Treatment program but find _____ non-cooperative with the program and allegedly in contempt of the court order in this regard.

Used with permission of Jean Small and Phil Haggerty
Adopted from work of Phil Haggerty

TO: _____
Henry County Municipal Court

FROM: Jean M. Small
Case Manager

RE: _____

January 31, 1990

_____ referred to Batterers' Treatment Program (BTP) through your court, completed his intake/orientation on 12-27-89 and participated in group sessions on 01-09, 16 and 23. Despite his signing the "Explanation of/Agreement to Fees" and "Batterers' Treatment Program Contract" - both of which were explained to and reviewed with him - said referral/participant has failed to pay for the cost of treatment.

After the contract stipulation and payment options were repeated to him on the first two dates of his attendance, he was suspended from participation following the third session as no payment had yet been made. _____ is now \$15.00 past due on this obligation.

Initially, _____ stated to BTP facilitators: "If you looked like you needed the money, I'd get it." When he failed to make payment at the second session, he stated an alternative: "I guess I'll have to serve my time, or see if I can do community service to pay"; and he was encouraged to explore the options and make arrangements accordingly. His failure to comply by 01-23-90 resulted in his suspension from BTP.

_____ was advised of a letter to you and of his obligation to make payment. He was further told that he would receive a copy of the letter in this regard and be advised of any decision resulting from it - ranging from contempt of court to continuing treatment, and of his being held accountable for costs already incurred with either disposition.

I appreciate your continued cooperation with our BTP and look forward to receiving word of your decision in this regard.

Encl.

cc: _____
BTP File

Used with permission of Jean Small

**ODVN SURVEY OF DOMESTIC VIOLENCE
TREATMENT PROGRAMS**

1. Is there a program in your area which specifically provides services/advocacy to battered women?
2. Do you have an oversight and monitoring contract with a battered women's program?
3. Are oversight and monitoring expenses included in your budget?
4. Do you have a written mission statement or program goals?
5. Do you have written contract(s) with the court?
6. Does your program screen incoming participants?
7. Does your program require a participant to sign a contract?
8. Are there consequences when a participant breaches a contract?
9. Does your program have an exit process for participants?
10. Does your program have content that is outlined in written form?
11. Does your program include culturally specific content?
12. Does your program offer couples counseling?
13. Does your program offer family counseling?
14. Does your program offer counseling to children from violent homes?
15. Does your program offer counseling to women who are victims of domestic violence?
16. Does your program include gay men who are perpetrators as participants?
17. Does your program offer treatment to heterosexual women who are perpetrators?
18. Does your program offer treatment to lesbian women who are perpetrators?
19. Are your program and/or program results evaluated regularly?
20. Type of agency:
21. Number of clients/year:
22. Program budget/year:

ODVN SURVEY OF DOMESTIC VIOLENCE TREATMENT PROGRAMS

Questions:	Programs:	The Batterer's	The Batterer's	Choices	Crisis	DVP	DVP
	Amend	Group	Treatment	for	Stabili-	for Off.	for Off.
			Program	Men	zation	Hancock	Miami
1. Battered women's program:	*	*	*	*	*	*	*
2. Monitoring contract:	*	X	*	X	X	*	*
3. Monitoring expenses budgeted:	X	X	*	X	X	X	X
4. Mission statement/goals:	*+	X	*+	*	X	*	X
5. Court contract:	*	X	*	X	X	X	X
6. Screening:	*	*	*+	*	*+	*	*
7. Batterer contract:	*+	X	*+	*	*	*	*
8. Consequences for breach:	*	*	*+	*	*	*	*
9. Exit process/interview:	*	*	*	*	X	*	*
10. Written program content:	*+	X	*	X	*	*	*
11. Culturally specific content:	X	X	X	X	X	X	X
12. Couples counseling:	X	X	X	X	*	X	X
13. Family counseling:	X	X	X	X	*	X	X
14. Children's counseling:	*	X	*	X	*	*	X
15. Battered women's counseling:	*	X	*	X	*	X	X
16. Gay batterers:	X	X	X	*	*	X	X
17. Heterosexual women batterers:	X	*	X	X	*	X	X
18. Lesbian batterers:	X	*	X	X	*	X	X
19. Evaluation:	*	*	*+	*	X	*	*
20. Agency home:	BW	I	BW	MH	MH	BW	BW
21. Number of batterers/yr.:		150	9	225		60	
22. Program budget/1K/yr.:			7.5	93.3		40	
* = yes, X = no, *+ = form enclosed							
BW = Battered women's program, GA = Government agency							
I = Independent agency, MH = Mental health							

ODVN SURVEY OF DOMESTIC VIOLENCE TREATMENT PROGRAMS

	DVP for Off.	Family Services	Family Violence	Fam. Viol. Treatmen	Madison County		New Alter-	Project Families	SE Comm. Mental
Questions:	Wood	of NW Ohio	Program	Program	MH Dept.	MEND	natives	Men's Grp.	Health Ctr.
1. Battered women's program:	*	*	*	*	x	*	x	*	*
2. Monitoring contract:	x	x	x	x	x	*	x	*	x
3. Monitoring expenses budgeted:	x	x	x	x	x	x	x	x	x
4. Mission statement/goals:	*	*	*+	*+	x	x	*	*	*+
5. Court contract:	x	x	x	x	x	x	x	x	x
6. Screening:	*	*	*+	*	x	*+	*	*	*+
7. Batterer contract:	*	*	*+	x	x	*+	x	*	*
8. Consequences for breach:	*	*	*	x	x	*	*	*	*
9. Exit process/interview:	*	*	*	x	x	x	x	*	*
10. Written program content:	*	*	*+	*	x	*	*	*	*+
11. Culturally specific content:	x	*	x	x	x	x	x	x	x
12. Couples counseling:	*	*	x	*	*	x	*	*	x
13. Family counseling:	x	*	x	*	*	x	x	*	x
14. Children's counseling:	*	x	x	*	*	*	x	*	x
15. Battered women's counseling:	*	*	x	*	*	*	x	*	*
16. Gay batterers:	x	x	x	x	x	*	x	x	*
17. Heterosexual women batterers:	x	x	x	x	x	*	x	x	x
18. Lesbian batterers:	x	x	x	x	x	*	x	x	x
19. Evaluation:	*	*	x	*+	x	*	x	*	x
20. Agency home:	MH	MH	GA	MH	MH	MH	MH	MH	MH
21. Number of batterers/yr.:	100			149		7			137
22. Program budget/1K/yr.:	90		92.5	59.1					
* = yes, x = no, *+ = form enclosed									
BW = Battered women's program, GA = Government agency									
I = Independent agency, MH = Mental health									

**BATTERER EDUCATION/TREATMENT
PROGRAMS IN OHIO****Clermont County**

Amend
898 Walnut Street
Cincinnati, Ohio 45219
513/241-7090
Contact person: Daniel Trujillo

Cuyahoga County

Family Violence Program
c/o W/VSC
1215 West 3rd Street
Cleveland, Ohio 44113
216/443-7345
Contact person: David Larsen

Defiance County

Batterers' Treatment Program
P.O. Box 13
Defiance, Ohio 43512
419/782-1314
Contact person: Jean Small

Franklin County

Southeast Community Mental Health Center
1455 S. 4th Street
Columbus, Ohio 43207
614/444-0800
Contact Person: Sam Schaadt

Fulton County

Batterers' Treatment Program
P.O. Box 13
Defiance, Ohio 43512
419/782-1314
Contact person: Jean Small

The Family Service of NW Ohio
1 Stranhan Square
Toledo, Ohio 43604
419/244-5511
Contact person: T. DeMarco

Geauga County

Family Violence Program c/o W/VSC
1215 West 3rd Street
Cleveland, Ohio 44113
216/443-7345
Contact person: David Larsen

Hamilton County

Amend
898 Walnut Street
Cincinnati, Ohio 45219
513/241-7090
Contact person: Daniel Trujillo

Hancock County

Hancock County Domestic Violence
Program for Offenders
Council of Domestic Violence
P.O. Box 496
Findlay, Ohio 45839
Contact person: Chris Solarz (419/874-0799)

Henry County

Batterers' Treatment Program
P.O. Box 13
Defiance, Ohio 43512
419/782-1314
Contact person: Jean Small

Highland County

Crisis Stabilization for Domestic
Violence Victims
4449 S. R. 159
Chillicothe, Ohio 45601
614/775-1260
Contact person: Don Clokey

APPENDIX 14

Knox County

MEND
c/o New Directions
Box 453
Mt. Vernon, Ohio 43050
614/397-4357
Contact person: Mary Hendrickson

Lorain County

Family Violence Program
c/o W/VSC
1215 West 3rd Street
Cleveland, Ohio 44113
216/443-7345
Contact person: David Larsen

Lucas County

The Family Service
of NW Ohio
1 Stranhan Square
Toledo, Ohio 43609
419/244-5511
Contact person: T. DiMarco

Madison County

Madison County Hospital
Mental Health Department
710 N. Main Street
London, Ohio 43140
614/852-1372, Ext. 500
Contact person: Janice Bersoff

Medina County

Family Violence Program
c/o W/VSC
1215 West 3rd Street
Cleveland, Ohio 44113
216/443-7345
Contact person: David Larsen

Miami County

The Battersers' Group
P.O. Box 3434
Dayton, Ohio 45401
513/225-3197
Contact person: Steve Piatt

Miami County Domestic Violence
Program for Offenders
Contact person: Chris Solarz (419/874-0799)

Ottawa County

The Family Service
of NW Ohio
1 Stranhan Square
Toledo, Ohio 43604
419/244-5511
Contact person: T. DeMarco

Paulding County

Battersers' Treatment Program
P.O. Box 13
Defiance, Ohio 43512
419/782-1314
Contact person: Jean Small

Pike County

Crisis Stabilization for Domestic
Violence Victims
4449 S. R. 159
Chillicothe, Ohio 45601
614/775-1260
Contact person: Don Clokey

Portage County

New Alternatives
275 Martinel Drive
Kent, Ohio 44240
216/673-1347
Contact person: Pam Michelson

Ross County

Crisis Stabilization for Domestic
Violence Victims
4449 S. R. 159
Chillicothe, Ohio 45601
614/775-1260
Contact person: Don Clokey

Shelby County

Miami County Domestic Violence
Program for Offenders
Contact person: Chris Solarz (419/874-0799)

Stark County

Choices for Men
2412 13th Street, NW
Canton, Ohio
216/454-3812
Contact person: Phil Haggerty

**Family Violence Treatment
Program**

640 N. Main Street
Akron, Ohio 44310
216/762-7481
Contact person: Barbra Stephens

Summit County

**Family Violence Treatment
Program**

640 N. Main Street
Akron, Ohio 44310
216/762-7481
Contact person: Barbra Stephens

Washington County

Project Families Men's Group
c/o Recovery Center
427 Second Street
Marietta, Ohio 45750
614/374-0654
Contact person: Anna Marcel de Hermanas

**Horizons
Counseling Center**
822 Front Street
Marietta, Ohio

Wayne County

**Family Violence Treatment
Program**
640 N. Main Street
Akron, Ohio 44310
216/762-7481
Contact person: Barbra Stephens

Williams County

Batterers' Treatment Program
P.O. Box 13
Defiance, Ohio 43512
419/782-1314
Contact person: Jean Small

Wood County

**Wood County Domestic Violence
Program for Offenders**
Mental Health Center
1010 N. Prospect
Bowling Green, OH 43402
419/352-5249
Contact person: Chris Solarz

**The Family Service
of NW Ohio**
1 Stranhan Square
Toledo, Ohio 43604
419/244-5511
Contact person: T. DeMarco

OHIO DOMESTIC VIOLENCE NETWORK**Membership Roster****Individuals**

Jennifer Shoub
851 Wayne Avenue
Defiance OH 43512

Barbara Brackman
1528 St. Route 716
Maria Stein OH 45860

Janet Hoffman
8384 Rossburg Road
Morrow OH 45152

Gail Heller
2973 Charmwood Court
Dublin OH 43017

Nancy Neylon
3621 Farland
University Heights OH 44118

Susan Stiles
155 E Limestone St
Yellow Springs OH 45387

Kathryn Obenour
526 Vine St
Napoleon OH 43545

Connie Allgire
1946 Christy Road
Defiance OH 43512

Jayne Burkholder
234 E Leggett St
Wauseon OH 43567

Evelene Dulle
Rt 1, 194 Broarcliff
Liberty Center OH 43532

Janice DeJute
5421 Westcastle Drive, No. 4
Toledo OH 43615

Pam Perrin
PO Box 38
Stryker OH 43557

Donna Hart
1566 Highland Ave
Springfield OH 45503

Bonnie McQuirt
1124 Broadwsay
Springfield OH 45504

Jean Small
630 1/2 Grover St
Defiance OH 43512

Jackie Frappier
c/o NW Ohio Crisis Line
PO Box 13
Defiance OH 43512

APPENDIX 15

Organizations

Project Woman
1101 East High St., Suite A
Springfield, OH 45505

Alice Paul House
House of Peace
900 Surrey Trail
Cincinnati, OH 45245

Homesafe
3911 Rt 167 East
Jefferson OH 44047

Turning Point
PO Box 822
Marion, OH 43301-8988

Council on Domestic Violence
PO Box 496
Findlay OH 45839

Crossroads Crisis Center
PO Box 496
Lima OH 45802

Artemis House
224 N Wilkinson, Suite 303
Dayton OH 45402

Women's Tri-County Help Center
PO Box 494
St Clairsville OH 43950

YWCA
898 Walnut St.
Cincinnati OH 45202

New Directions
PO Box 453
Mt Vernon OH 43050

Templum House
PO Box 5466
Cleveland OH 44101

Warren County Family Abuse Shelter
570 N State Route 741
Lebanon OH 45036

Womensafe
PO Box 656
Chardon OH 44024

Domestic Violence Project
PO Box 9432
Canton OH 44711-9432

CHOICES for Victims of
Domestic Violence
PO Box 06157
Columbus OH 45402

YWCA
Dayton OH 45402

Northwest Ohio Crisis Line
PO Box 13
Defiance OH 43512