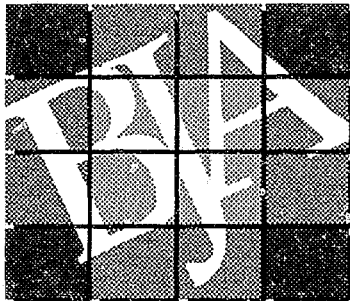


Bureau of Justice Assistance

# Family Violence: Interventions for the Justice System

**PROGRAM BRIEF**

144532



Bureau of Justice Assistance

# Family Violence: Interventions for the Justice System

144532

U.S. Department of Justice  
National Institute of Justice

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## PROGRAM BRIEF

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October 1993

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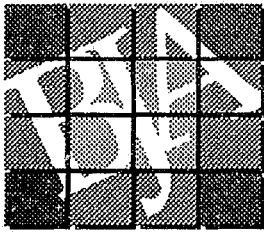
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# INTRODUCTION

In response to a decade-long process of legal reform, increased public awareness, and ongoing Federal leadership, the Bureau of Justice Assistance (BJA), U.S. Department of Justice, sponsored two major family violence projects from 1986 to 1990. The projects, which included 11 demonstration sites in courts across the country, were designed to develop and document improved justice system practices for handling family violence cases. One project emphasized criminal prosecution and the other coordination of services with both civil and criminal case processing.<sup>1</sup> Both projects were evaluated, and their representatives have met on several occasions to review and compare findings. Their independent conclusions are remarkably consistent.<sup>2</sup>

This Program Brief presents the findings of the two projects, distilled into practical strategies to be implemented in States and communities. The program principles and critical elements can be tailored to fit local circumstances and existing court systems. Implementation of a family violence project will challenge agencies and legislative bodies to make changes in their response to both victims and perpetrators of violence between family members. The result of these efforts should be increased fairness, and improved services and protection to victims, with strict accountability and appropriate treatment for perpetrators. Through development of family violence projects throughout the country, a more effective national response will ultimately lead to decreased family violence.

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1. The BJA Family Violence Intervention Demonstration Programs were in Baltimore, Maryland; Denver, Colorado; Indianapolis, Indiana; Los Angeles, California; Ann Arbor, Michigan; Milwaukee, Wisconsin; New York, New York; and Tulsa, Oklahoma.

The BJA Family Violence and the Role of the Family Court projects were in Portland, Oregon; Wilmington, Delaware; and Quincy, Massachusetts.

2. Roehl, J.A., Harrell, A.V., Kapsak, K.A. *Family Violence Intervention Demonstration Programs Evaluation* (Vol. I and II). Washington, D.C.: Institute for Social Analysis, 1988.

Gable, R., Nimick, E. *Evaluation of the Family Violence Project of The National Council of Juvenile and Family Court Judges*. Pittsburgh: National Center for Juvenile Justice, 1990.

Family violence cases are heard in a variety of settings within one court system—from misdemeanor and felony courts, to juvenile and family courts, to civil courts. Thus, this brief proposes *systemwide* changes and coordination among a number of courts and agencies.

Furthermore, it addresses family violence in its broadest context. The intertwined nature of child, spouse, and elder abuse; sexual abuse; neglect and other forms of violence among intimates requires a response to all forms of household violence with a consistent and coordinated approach.

## The Need for a Program

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Public and scholarly opinion about the appropriate role of the State as an arbiter of family disputes has undergone considerable revision in the past century, fueled in part by a growing awareness of the prevalence and magnitude of the problem. It is now known, for example, that:

- Between 1.8 and 4.0 million American women are abused in their homes each year.<sup>3</sup>
- In 1992, nearly 3 million children were reported abused or neglected. This number represents a 132-percent increase in the last decade.<sup>4</sup>
- In 1991, 28 percent of all female murder victims were killed by their husbands or boyfriends.<sup>5</sup>

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3. Novello, Antonia C. "From the Surgeon General, U.S. Public Health Service." *Journal of the American Medical Association*, 267(23):3132, 1992.

4. National Committee for Prevention of Child Abuse. *Current Trends in Child Abuse Reporting and Fatalities: The Results of the 1992 Annual Fifty State Survey*. Chicago, Illinois, 1993.

5. Federal Bureau of Investigation. *Crime in the United States, 1991*. Washington, D.C., 1992.

■ When child abuse is present in a family, there is a high probability of spouse abuse as well.<sup>6</sup> Likewise, in homes where spouse abuse occurs, children are abused at a rate 1,500 percent higher than the national average.<sup>7</sup>

■ Boys who witness their fathers' violence are 10 times more likely to engage in spouse abuse in later adulthood than boys from nonviolent homes.<sup>8</sup>

■ Delinquency and significant emotional disability are far more prevalent among children from violent homes than among children from nonviolent homes.<sup>9</sup>

The compelling tragedy of family violence has required the State to become more actively and intrusively involved in family affairs. Recognition of the devastating effects of violence on victims—most often women and children—has prompted changes in legislation, judicial philosophy, and social norms. Abuse of family members is no longer a private issue, but a public issue; it is a criminal offense for which perpetrators must be held accountable.

These shifts represent social change of significant magnitude, requiring broad reform and reconceptualization of the justice system's response to family violence. Legislative changes in every State in the Nation have led to substantially increased arrests and requests for restraining orders. Larger States are now reporting as many as 35,000 domestic violence filings annually,<sup>10</sup> requiring most court systems to alter procedures and court processes to accommodate the increase.<sup>11</sup>

6. McKibben, L., DeVos, E., Newberger, E.H. *Victimization of Mothers of Abused Children: A Controlled Study*, *PEDIATRICS*, Vol. 84, No. 3, September, 1989.

7. National Coalition Against Domestic Violence. "Facts on Domestic Violence." Washington, D.C., 1993.

8. Straus, M.A., Gelles, R.J., Steinmetz, S.K. *Behind Closed Doors: Violence in the American Family*. Garden City, New York: Anchor/Doubleday, 1980.

9. Hotelling, G.T., Finkelhor, D., Kirkpatrick, J.T., Straus, M.A. (Eds.) *Coping With Family Violence: Research and Policy Perspectives*. Newbury Park, California: Sage Publications, 1988.

Jaffe, P.G., Wolfe, D.A., Wilson, S.K. *Children of Battered Women*. Newbury Park, California: Sage Publications, 1990.

Roy, M. *Children in the Crossfire*. Deerfield Beach, Florida: Health Communications, Inc., 1988.

10. Unpublished report prepared by David B. Rottman, Director of the Court Statistics Project of The National Center for State Courts, 1989.

11. Hofford, M. *Family Violence: Improving Court Practice*. Reno, Nevada: National Council of Juvenile and Family Court Judges, 1990.

In the search for the court structure best suited to respond to family violence, the criminal court, which can more fully hold the guilty accountable, has emerged as the court of choice. The move to criminal prosecution has not occurred without a price, however. The criminal court, while better suited to dispense punishment and provide for due process, is not well suited to provide the guiding and supportive intervention of its civil, family, and juvenile court counterparts.

In criminal cases, judges, police, and prosecutors are frustrated with the recurring nature of family violence and the lack of direction as to the most appropriate response. They are faced with mostly uncooperative or reluctant victims and witnesses, many of whom have appeared before them in past cases. They are confused about how to assess the facts of the case since experts advise that, given the denial of family violence by victims and perpetrators, the truth generally lies not between what the victim and defendant claim, but rather, somewhere beyond what the victim is willing to admit. Then, sentencing is difficult due to a lack of treatment programs for batterers, concerns about victim safety, and conflicts between the State's and the family's interests.

In civil cases, judges faced with requests for very broad *ex parte* restraining orders, including removing perpetrators from the home and ordering child support, harbor serious concerns about due process for offenders. Yet, without these provisions, protection orders offer little relief. Courts are now being asked to consider family violence when deciding custody and visitation issues. Some are being asked to consider the impact of family violence when a custodial parent removes a child from the jurisdiction of the court in apparent contravention of court orders. More and more, State courts are simply overwhelmed with the volume of both civil and criminal cases involving family violence.

## Complexity of the Issues

It is the nonlegal aspects of family violence cases that frequently mitigate against successful criminal prosecution. An understanding of the dynamics of family violence allows one to appreciate the interdependence of the legal and nonlegal issues in these cases. Increasing the ability of the justice system to respond



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to the nonlegal factors will enhance its ability to effectively deal with the legal matters. Although each court has its strengths, neither the stern process of the criminal court nor the ameliorative process of civil intervention provides all that is necessary to deal with the complex issues surrounding family violence.

Successful intervention in family violence requires improved coordination and information sharing. Too often, related cases involving the same family are pending in several courts, but information about each of the cases is not readily available to all judges and court officials in the related cases. Children are present in 80 percent of violent homes and are victims of abuse themselves in at least 40 percent of these homes. Researchers have determined that at least 810,000 families have both spouse and child abuse.<sup>12</sup> Yet, these cases are rarely coordinated. In fact, the problem concerning coordination and information sharing extends beyond the court to children's protective services, batterers treatment programs, and victims advocates.

The judicial system is also faced with the responsibility of enforcing its orders in family violence cases. Probation departments still view family assault cases as relatively minor, in need of little supervision of offenders. But the danger to the victim of subsequent assault has been documented on numerous occasions.<sup>13</sup> It is necessary to monitor and enforce both protection orders and offender release conditions to ensure victim safety. The National Council of Juvenile and Family Court Judges recommends not only that probation officers should classify family assault cases for maximum supervision, but that they must also maintain periodic, private contact with the victim.<sup>14</sup>

Across the board, there has been a failure to recognize the special nature of family violence cases, particularly in the areas of the victim-offender relationship and other family dynamics. It is especially difficult for a victim to pursue the criminal conviction of his or her abuser when the abuser is the victim's spouse,

parent, or caretaker. These and other problems related to family violence beg for solution.

## The Promise of Effective Intervention

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The goal of implementing a family violence intervention program within the justice system is to reduce and prevent future violence. Its promise is grounded in an understanding of violence as a learned behavior—a behavior to which many abusers were exposed in childhood and that tends to recur regularly in affected families. At least part of the solution lies in a strong response to the violence that has been tolerated for far too long. The courts can play a major role by imposing strong sanctions on offenders, requiring treatment designed to modify persistent patterns of violent behavior within families, and protecting victims and their children from abusers. As sanctions for family violence increase and public tolerance decreases, a reduction in the number of children harmed by exposure to violence and in the number of victims who endure continuing abuse can be expected.

Attaining these goals requires a consistent, coordinated response that focuses primarily on the safety of victims and the accountability of offenders. Such an approach emphasizes criminal prosecution with comprehensive followthrough in terms of court orders, monitoring and enforcement, services and protection for victims, mandatory treatment for perpetrators, and coordination among all courts and agencies involved. Implementing such changes in the justice system's response to family violence promises not only a reduction in future violence, but a more fair, sensitive, and effective system. Given the seriousness and extent of the problem and the long-term potential benefits, the additional system resources required to respond appropriately appear justified. It is to these issues that this brief is addressed.

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12. M. Roy, *op cit*.

L. McKibben, *et al.*, *op cit*.

13. Goolkasian, G.A. *Confronting Domestic Violence: The Role of Criminal Court Judges: Research in Brief*. Washington, D.C.: U. S. Department of Justice, National Institute of Justice, 1986.

14. Klein, A.R. *Spousal Assault: A Probation/Parole Protocol for Supervision of Offenders*. Reno, Nevada: National Council of Juvenile and Family Court Judges, 1989.

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# PRELIMINARY ISSUES

In most communities the move to develop a family violence intervention program stems from growing public concern about domestic violence. In some areas, a series of tragic family violence incidents compels citizens and community leaders alike to join forces to correct system inadequacies. In other areas, persistent efforts by victims and their advocates have finally captured enough public attention and concern to prompt action. In many States, gender bias task force reports<sup>15</sup> are providing a strong impetus for making changes. In still other jurisdictions, recently passed State laws for presumptive or mandatory arrest have spotlighted the need for complementary changes within the court system to handle the increasing volume.

High-profile events help establish the need and motivation for change. However, planning for long-term transformation cannot be based solely upon public reaction to current events; the resources and leadership available to support the project over a longer period of time must be considered. Successful implementation of a family violence intervention program requires careful planning and a realistic assessment of the community's readiness, that is, its acceptance of a need for the program.

This section describes a number of areas worthy of thoughtful consideration and analysis prior to developing a family violence intervention program. Although the BJA projects studied were established within relatively favorable community environments (see footnote 1), they found that dedicated leadership, staff commitment, and support from the entire system, as well as the overall community, were needed to sustain a successful program.

Communities are encouraged to use this section as a preliminary planning guide—a basis for identifying resources and potential problems that will face ambitious efforts to reform justice system responses to

family violence. Some resources are so critical that a program cannot operate if they are not present. An example is the need for a prosecutor who is fully in agreement with the philosophy of criminal prosecution of perpetrators, and who is willing to commit the necessary resources to implement the philosophy. Law enforcement and judicial support are similarly essential. Project developers are well advised to consider in advance whether these critical resources are available or can be developed. If not, it is doubtful whether the project would be able to operate and succeed.

## Project Goals

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To create a total system response, which provides victims with the protection to which they are entitled, long-term goals of the family violence intervention program might include:

- Reduction in violence, evidenced by a decrease in arrests, injuries, and calls for law enforcement services for family violence.
- Improvement in the responsiveness and effectiveness of the justice system with regard to family violence, evidenced by a reduction in recidivism, improved case processing efficiency, and increased victim satisfaction.
- An increase in cooperation and coordination between various courts and agencies involved with family violence cases, evidenced by a system focus on the *family* (defined in the broadest sense) as opposed to the case, resulting in significantly improved recognition by courts and agencies of families with multiple forms of abuse.

More immediate project goals might include:

- An increase in the number of arrests and prosecutions for family violence.

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15. Schafran, L.A. "Documenting Gender Bias in the Courts: The Task Force Approach." *Judicature*, February–March, 1987.

- An increase in the use of specific conditions of probation supervision for perpetrators and more intensive probation monitoring.
- Establishment of treatment services for batterers and victims, with adequate resources provided.
- Development of written policies and procedures for family case coordination between agencies and courts.
- Utilization of automated case information on all aspects of a family's involvement with the justice system.

## Local Resources

A key step in planning a family violence intervention program is an accurate assessment of the local resources for responding to family violence. Planners should determine what services are available, which of the existing services need to be modified, and what services need to be created. This assessment should ascertain the availability of the following:

- Services for victims, such as shelters, counseling, medical attention, legal support and guidance, and any programs that offer temporary financial support for the victim and minor children.
- Treatment services for batterers, including alcohol and drug abuse treatment centers, batterers groups, and individual counseling. The assessment should consider whether treatment is mandatory (or should be) once criminal or civil action has been brought against the perpetrator, and what, if any, treatment services are offered during incarceration.
- Justice system procedures, including the local police department's procedures for enforcing restraining orders, its attitude toward domestic violence actions, and its training and general procedures for responding to family violence situations. Guidelines on charging and prosecuting offenses and on available sentencing alternatives also should be evaluated.

The assessment of local resources forms the basis for planning and coordinating efforts to identify the weaknesses and gaps that the program should address and in establishing priorities for cooperating agencies.

## Legislation

Although specific provisions of State statutes vary widely, some form of family violence legislation has been passed in recent years in every State in the country. Spousal assault may or may not be defined by statute as a specific crime. State law may or may not establish a mandatory holding period for those arrested for family assault or require special conditions of bail. Some legislatures have provided for enhanced penalties for repeat offenders in family violence cases. Others have recognized that spouse abuse, when witnessed by children, becomes a form of child abuse.

Planners should review their State laws on domestic violence and child abuse, starting with law enforcement authority to arrest. The practices of local law enforcement agencies relating to probable cause arrest in family violence incidents also should be assessed. If appropriate legislation and policies are not in place, addressing this gap must be a high-priority objective at an early stage of the project.

Planners should also examine statutory provisions concerning protection orders, which courts may issue them, the availability of such orders on an emergency basis, and their duration. Violation of a protection order may be a civil or a criminal offense; some States have specified penalties for violations. The project should plan to broaden the availability of legal remedies for victims and lobby to expand these options when appropriate.

Planners should also explore the legislative requirements for training of police and court personnel, and for coordination and exchange of information between courts and nonjustice system agencies. Legislative authorization and support for these activities can greatly strengthen intervention programs.

At the end of this inquiry, planners should have a good idea of what options the State laws provide and to what extent these options are actually utilized in the justice system. If appropriate legislation is absent, an objective of a family violence intervention program

often includes legislative reform in support of program goals.<sup>16</sup>

## Policies and Practices

**Prosecution.** A policy of aggressive prosecution was at the core of all of the BJA family violence demonstration projects. Without a policy of strong prosecution, efforts by law enforcement agencies have little impact. The chief prosecutor should be solidly behind the development of a family violence intervention program and committed to the full participation of the prosecutor's office.

It is important to assess both current policies and actual practices of the prosecutor's office to determine what percentage of arrests are prosecuted, whether techniques such as no-drop or vertical prosecution<sup>17</sup> are used to strengthen family violence case prosecution, and how frequently offenders are prosecuted for violation of protection orders. Planners should attempt to discover whether the prosecutor's office has an informal policy of encouraging victims to use civil rather than criminal options. An aggressive prosecution policy requires a prosecutor's office that devotes the staff resources needed and develops the special expertise required to prosecute family violence cases, even with a reluctant or uncooperative victim. The review may well indicate a need to revamp prosecution policies, alter existing department structure and activities, and expand the number of attorneys available for prosecuting family violence cases.<sup>18</sup>

16. Finn, P., Colson, S. *Civil Protection Orders: Legislation, Current Court Practice, and Enforcement*. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 1990.

Lerman, L. "A Model State Act: Remedies for Domestic Abuse." *Harvard Journal on Legislation*, (21, No.1, 1984).

Lerman, L. and Livingston, F., Jackson, V. "State Legislation on Domestic Violence." *Response to the Victimization of Women and Children*, Vol. 6, No. 5, Center for Women Policy Studies, 1983.

17. A "no-drop" policy is a prosecutor's policy whereby victims, who may be threatened or intimidated by their batterers, are not allowed to withdraw a complaint after it is filed; "vertical prosecution" is a way of handling a case whereby one persecutor is assigned to the case from start to finish, so that the victim is not working with first one person and then another.

18. Lemon, N.K.D. *Domestic Violence: The Law and Criminal Prosecution*. San Francisco, California: Family Violence Project of San Francisco, 1990.

**Other justice system agencies.** Planners also should ascertain what the local police department and probation department policies and practices are with regard to arresting the perpetrators, revoking probation, and protecting the victims. However, appropriate court response is key to family intervention programs.

In most communities, both civil and criminal remedies are available to victims, although locales differ significantly as to the predominant court response.<sup>19</sup> An initial determination should be to ascertain which courts handle which kinds of cases, and the percentage of family violence cases brought to court that remain civil actions and the percentage which become criminal actions. Analysis of this data and discussions with victim groups can give planners an idea as to which courts predominate in the community's response to family violence and why.

The effectiveness of the court response depends on several factors:

- What authority the judge has for ordering various provisions in restraining orders, such as removal of the perpetrator from the home.
- How the police are notified of the issuance of restraining orders.
- What action is taken by local authorities when restraining orders are breached.

**Services for victims and offenders.** The court's involvement in family violence cases is only the beginning of an effective response. Perhaps even more important are the services available to those persons family violence directly affects. Most communities provide some services for victims; minimal, if any, services for perpetrators; and virtually no services for children who are bystanders and witnesses to violence. An analysis of such services should include the effectiveness of the existing programs available to victims and family members and any potential or necessary expansion of local services.

19. Rubin, H.T., Gallas, G. "Child and Family Legal Proceedings: Court Structure, Statutes, and Rules," *Families in Court*, Reno, Nevada: National Council of Juvenile and Family Court Judges, 1989.

Some States have as many as five different courts hearing various kinds of family matters.

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Treatment for perpetrators can be an effective means for stopping violence in some cases. Planners should determine whether the court orders treatment as a sanction for batterers and, if so, what the mechanisms are and how well compliance is monitored by the court. Treatment programs in which offenders are ordered to participate must be accompanied by court monitoring to be effective. Formal supervision, alcohol and drug treatment, and treatment specifically aimed at the violent behavior of perpetrators are critical elements of a strong family violence intervention program.

In addition to treatment resources, other services important to family violence intervention include victim advocacy, victim and witness assistance, and temporary and transitional housing for victims. The availability of organized volunteer groups, particularly those involved with shelters, and the court's willingness to work with them to assist victims are important to program success.

## Local Leadership

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A successful family violence project needs a champion from *within* the system. This champion might be the prosecutor or a concerned and committed judge.

In addition, success over the long term will be unlikely without continued strong leadership.

Planners should determine who within the court system commands solid respect and has already demonstrated an active commitment to system improvements and, specifically, to family violence. Determining who would be willing to take an active leadership role for the duration of the project is essential, as is assessing the willingness and cooperation that can be expected from other court divisions and agency and program directors. Planners should also identify those who can play secondary leadership roles and evaluate the level of support from elected officials, the private bar, and other local leaders.

The process of gathering all the information discussed in this section should provide a good picture of the feasibility of starting a successful family violence project in the community and the nature and scope of the project needed. The information will also provide a useful baseline for program developers and should be compiled and shared with all those who will be intimately involved in the project.

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# CRITICAL ELEMENTS

This Program Brief offers a series of 10 critical program elements needed to intervene effectively in family violence. The list of critical elements represents the determinants of success culled from the experiences of the 11 BJA project sites. However, the BJA projects varied widely in how they achieved successful implementation of programs that met local needs. Thus, the critical elements, while all essential, should be tailored to the needs, concerns, and resources of individual jurisdictions, and final program models can, and should, differ from one jurisdiction to another.

The list of critical elements is an ambitious one. However, each element is important to program success, in part because the interrelated nature of the justice system requires a comprehensive approach. Many jurisdictions will not have the resources to implement all elements at once. In these circumstances, program developers can begin program implementation with a specific plan to address each of these elements, starting with the needs that are most acute and continuing over several years until all elements are in place. Further, the list may not be exhaustive. No doubt, as States and local systems begin their efforts to improve the handling of family violence cases, a variety of additional approaches will be developed to enhance success.

## Program Leadership

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The long-term commitment of program leadership is critical to the success of these efforts. Unlike some other types of projects, which can be developed rather independently and relatively painlessly, family violence projects need to be vitally integrated into the daily workings of the court. The process of changing longstanding policies and examining ingrained personal attitudes is often quite difficult. An unflinching commitment on the part of project leadership will provide stability and continued progress when others are unable to see the light at the end of the tunnel.

Because the justice system response to family violence is the focus of the project, it is crucial that leadership come from *within* the system itself. Strong prosecutors or concerned judges, with support from their chiefs, are logical choices. Without such leadership it is unlikely that suggestions for change and reform will be embraced by the others in the system. It is important that other community and political leaders support the program. In addition, the network of service agencies must be willing to participate in and strengthen the justice system's efforts. Most importantly, however, those within the justice system itself must be motivated to change and improve system practices.

In addition to the primary leadership from within the system, commitments to participate in a leadership capacity should be obtained from the following:

- The chief judge.
- The chief prosecutor.
- The public defender.
- The chief law enforcement officer.
- The court administrator.
- The juvenile court services director.
- The chief probation officer.
- The head of children's protective services.
- The director of the domestic violence coalition or battered women's shelter.
- The director of batterers treatment services.
- Members of county or State funding bodies.
- Others as determined locally.

A lead agency or office should assume the responsibility for initiating and coordinating project activities. Although the lead agencies in the BJA projects differed across sites, their varying degrees of success suggests the *best* location for the lead agency is within the justice system.

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**Implementation Site Examples.** Most of the sites had solid leadership for the project. In the family court projects, leadership was provided by the judiciary. A particular judge in each jurisdiction sponsored the project, initiated meetings, initiated changes in policies and procedures, heard many of the cases, reviewed progress, and provided general oversight of project staff. The judges attended national project cluster meetings along with project staff and served as part of the national project advisory committee. The judges were also actively involved in ensuring the institutionalization of the projects with local resources. In Portland, Oregon, and Quincy, Massachusetts, the judges established and chaired local family violence coordinating councils.

in other BJA projects, such as those in Indianapolis, Los Angeles, and Milwaukee, strong leadership was provided by prosecutors' offices. In these projects, one attorney was usually designated to review filing decisions, supervise plea bargaining offers, coordinate and monitor case handling, and develop written prosecution policies. By designating a single attorney as the project coordinator, the chief prosecutor demonstrates a strong commitment to the program. Having designated staff also facilitates development of specialized expertise in the law and in policies and strategies for winning cases, such as using expert witnesses, developing nontestimonial evidence, and supporting victim testimony. The lead attorneys also participated in training activities and in drafting new legislation to assist the police and courts in responding to the problem.

## Early Case Identification and Response

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Courts and service agencies must develop methods of identifying and responding promptly to family violence cases at the earliest possible stage of case processing. The demonstration projects found the tendency to avoid taking an active role in identifying and working with family violence cases was widespread in the justice system. The first response of many agencies was that the problem should be addressed by some other agency. As a result, many victims gave up on the system or failed to receive advocacy or services for many months after the initial incident.

The initial contact with the victim is a critical point of intervention, but may take several forms:

■ *Victim-initiated actions.* Many victims need assistance in filing complaints or requests for protection orders. This assistance can be provided by specially trained clerks, victim advocates, or volunteers located at intake points in the various agencies.

■ *On-scene police intervention.* Police officers called to the scene should not only arrest the offender, if appropriate, but also respond immediately to the needs of the victim and children. Several police departments employ victim advocates who can be summoned to the scene; others have arrangements to call local shelters for assistance. Police policies and concomitant forms that promote identifying cases as family violence cases and promote gathering evidence in support of prosecution, with or without victim testimony, are especially useful.

■ *Calls for service.* Precinct or dispatch monitoring of repeat calls from problem families assists the police responding to calls and can be used to identify families in need of outreach services.

■ *Screening by social service agencies and hospitals.* Intake staff at social service agencies and hospitals should be trained to screen for multiple abuse in families and, most importantly, to provide appropriate referrals for legal intervention on a priority basis.

Early identification and case response strategies at each of these victim contact points should include:

■ Outreach efforts to identify families at high risk for repeat violence, to offer services and counseling, and to avoid renewed abuse.

■ Checks on the immediate safety of the victim and other family members.

■ Referral to a shelter and battered women's services.

■ Information for victims about civil and criminal options and assistance, as needed, in completing forms to initiate legal action.

■ Investigation of the possibility of child abuse and neglect.

■ Good evidence gathering at the time of the initial report.

■ Initiation of appropriate legal interventions, whether or not the victims pursue such interventions.

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■ Special policies and practices for family violence cases such as priority docketing, pretrial supervision of offenders, and extra-ordinary efforts at victim assistance and case coordination.

**Implementation Site Examples.** Outreach efforts in Brooklyn involved placing victim advocates in police stations to identify families with repeat calls for domestic violence, to identify these as repeat-call addresses for officers, and to contact victims to offer counseling and assistance. In Milwaukee, officers issued orders to victims to appear at the prosecutor's office on the first working day following an incident, at which time a victim advocate intake worker assessed victim safety, made referrals for services, and provided information on legal options. In Baltimore County, a special spousal abuse unit in the police department maintained files on repeat calls for family violence.

The Delaware Family Court changed its policies and priorities in the court intake division. Staff were specially assigned to screen victims of family violence as soon as they came to court requesting protection. In most cases charges were filed immediately and were hand-carried through the system so that warrants were issued the same day instead of several weeks later. Victims were referred immediately to a variety of services. The initial intake staff then served as victim assistance personnel until the case went to court. This entailed regular contact with the victim and service providers as well as coordinating efforts with the prosecutor handling the case.

## Designated Personnel

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Each law enforcement and social service agency and each court and prosecutor's office must have personnel trained in family violence issues and specifically assigned to handle and coordinate matters related to family violence cases. Unless this occurs, cases and victims will not receive the attention and protection that they need and to which they are entitled. The designated staff is responsible for reviewing policies, ensuring compliance, and implementing changes as necessary. At the beginning of the project, various agency directors, court administrators, and judges should make a commitment to assigning such responsibilities to specific staff.

**Implementation Site Examples.** In Quincy, Massachusetts, the assignment of one probation officer to handle family violence cases wrought major changes in the way the cases were supervised and created awareness in the entire department of the pervasiveness of such cases in the existing client base. This same officer also established relations with designated individuals in a dozen different law enforcement agencies, plus the district attorney's office and the Department of Human Services. As the need became increasingly evident, additional personnel were designated from other agencies, such as their alcohol and drug and mental health services. These individuals created an informal network, keeping in touch with each other on an almost daily basis and sharing information regarding various aspects of family violence cases.

In Milwaukee, special police liaison officers reviewed police incident reports for completeness, represented the arresting officers at the charging conference, and handled complaints regarding police response to family violence incidents. This arrangement reduced difficulties in scheduling officers for hearings and improved the consistency of police reports.

Several project sites found that victim advocates within the prosecutor's office are an effective—and much less costly—alternative to increasing the number of prosecutors. Some jurisdictions successfully used volunteer advocates within the court system; this approach requires careful screening, training, and supervision of the volunteers.

## Coordination

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A large majority of violent families have serious, multiple dysfunctions and frequently have other actions, such as divorce, custody, delinquency and child abuse cases, and restraining orders, pending elsewhere in the court system. When possible, consolidation of these cases and handling by a single court improves efficiency and effectiveness. At the very least, policies are needed that ensure case coordination. Case records should be standardized and, hopefully, computerized, and procedures should be established to allow sharing of information among courts on the status of all pending actions and orders issued in all cases involving members of a family. Such actions will facilitate consistent enforcement of



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court orders, monitoring of offenders, and protection of victims.

A number of different agencies and professionals—including counselors, probation officers, shelter workers, victim advocates, drug and alcohol treatment specialists, and social service providers—may be working with a violent family. Coordination and communication among these agencies and professionals regarding needs and services are critical to providing an effective intervention for individual families and for total caseloads.

In some situations or at some sites, it may be possible to coordinate ongoing cases involving the same family through meetings of professionals directly involved in those cases. At most sites, however, coordination will involve total caseloads. Coordination can be accomplished by regular meetings of a council, written policies on information sharing, and cross-notification when problems arise. Case identification procedures should allow professionals to identify the other agencies in contact with the family.

Establishing a coordinating committee, council, or task force should be an early project priority. Membership should be as broad as possible to include police, sheriffs, prosecutors, court administrators, judges, probation officers, treatment agencies, and representatives of victim shelters and victim advocacy groups. Other members might be representatives of the clergy, legal aid, child welfare services, and hospitals. The purpose of the group is to develop coordinated procedures for handling family violence cases, monitor their consistent implementation, and resolve problems as they arise. In addition, they may undertake public education and broker legislative changes when needed.

Monthly meetings should be held to provide a forum for airing grievances about how cases are being handled, sharing information on new policies and practices, and building community awareness of resources and services available from the police and courts. Advocates from outside the justice system should be included to help monitor the effectiveness of the response to family violence from the perspective of those served. The heads of participating agencies need to attend initial interagency planning meetings to open lines of communication with other agencies and lend authority to the agency's commitment to change. Subsequently, a designated representative of each agency should regularly attend

meetings to support ongoing coordination, problem solving, and planning.

Another strategy that most implementing sites found quite helpful was establishing a family violence coordinator staff position. The coordinator's responsibilities included staffing the coordinating council, organizing the preparation of written policies on the role and responsibility of agencies serving family violence cases, serving as a liaison in resolving case handling problems, and intervening in individual cases when necessary. The coordinator can be affiliated with the prosecutor's office, another justice agency, or a victim services agency.

**Implementation Site Examples.** The Portland Family Violence Intervention Project established a coordinating council in 1988. It has met monthly ever since, with additional subcommittee meetings as needed. The invitations to participate were extended by a local circuit court judge who provided leadership for the project and chaired the coordinating council. The council spent approximately 6 months reviewing local data, assessing problems, and discussing proposed changes. They have been implementing changes ever since, from new protection order forms to sentencing criteria, prosecution policies, resource development, and training of volunteer advocates. Similar coordinating committees meet regularly in Denver and Baltimore County. One of Denver's cochairs comes from within its criminal justice system and the other from a community-based advocacy agency, a strategy they believe was crucial to the successful implementation of a coordinated response.

In an effort to address the link between domestic violence and child abuse, information sharing among agencies occurs in Denver from the moment an arrest is made in a domestic violence case. In every case, as soon as possible, often prior to a next-morning arraignment, the names of all alleged perpetrators and victims are crosschecked with the records of the Department of Social Services Child Welfare Unit (CWU). Of the 4,800 cases crosschecked in 1990, there was a 9-percent match involving open child abuse or neglect cases, and a 32-percent match (some overlapping with the 9-percent families) with closed cases.

When this match occurs, a record of the arrest information (copies of the actual ticket and domestic violence case summary) is sent to the Department of Social Services to be placed in the current case file.

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When possible, the prosecutor's victim advocate notifies the caseworker directly. The information from Social Services can be very useful to the prosecuting attorney's office, especially in cases in which a charge of wrongs to minors is included. A standing order from the juvenile court allows for the release of the CWU record information for this purpose.

## Written Policies

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Each public agency handling family violence cases should develop written policies that reflect the philosophy established by the jurisdiction. The policies should specify each agency's responsibilities for implementing the approach, for coordination, and for information sharing. New and existing policies should be regularly reviewed and revised as dictated by experience and practice. Overall, these policies will provide a blueprint for the entire jurisdiction's response to family violence.

In addition, each agency's policies should be submitted to the other agencies for review to ensure that there are no gaps or misunderstandings. Areas of friction that arise in the process of establishing new policies provide excellent opportunities to clarify and fine tune agreements between agencies. Because such cooperation is key to the success of a family violence project, each agency director should make a commitment to do this before project implementation begins.

Policies should be developed regarding:

- Arrest.
- Pretrial release.
- Prosecution.
- Availability and enforcement of protection orders.
- Docketing.
- Dispositions.
- Monitoring of offenders.
- Standards for treatment providers.
- Services and advocacy for victims.
- Case coordination and information sharing.
- Data collection.

**Implementation Site Examples.** A family violence coordinating council is the ideal forum for review and discussion of policies. In Denver, the council established subgroups to work on specific policy issues. In Michigan, a sheriff's department subcontractor developed coordinated plans. Written policies need the strong formal endorsement of the agency head and must be accomplished through proper training and monitoring. Once written policies have been reviewed and approved by each agency, they should be published as a single volume to serve as a reference for professionals in the community as well as for justice system and service agency personnel.

## A Vigorous, Affirmative Prosecution Effort

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The policies and activities of the prosecutor's office are central to any family violence project. Without a vigorous and affirmative effort to prosecute family assaults and other family violence cases, the other components cannot work. Specifically:

- Prosecutors must have policies that do not place victims in the position of initiating and managing their own cases.
- Similarly, victims should not make the decision to proceed with or withdraw a case. Rather, investigators and prosecutors should be skilled in proving cases in court, even with a hostile or reluctant victim or witness.
- Prosecutors might even include a no-drop policy, whereby victims, who may be threatened or intimidated by their batterers, are not allowed to withdraw a complaint after it is filed.
- Many prosecutors have adopted "vertical prosecution," whereby one prosecutor is assigned to the case from start to finish, so that the victim is not working with first one person and then another.
- Prosecutors also should vigorously prosecute violations of protection orders; it may be necessary to represent victims in protection order or other civil hearings related to the violence.

**Implementation Site Examples.** All BJA projects concentrated on increasing the prosecution of family violence cases. One successful strategy was the use of advocates to relieve some of the burden on the

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prosecutor and provide support and assistance to the victim throughout the criminal court process. This strategy alone can increase the percentage of successful prosecutions in a jurisdiction.

Advocacy within the prosecutor's office may be structured vertically or functionally. Milwaukee used a vertical advocacy model in which one advocate worked with a case from the intake through the hearing. This arrangement was implemented by rotating victim advocates to the intake position on a weekly basis. During that period, the advocates would schedule hearings of their intake cases to the courtroom they were later to cover. The advocates then collected all case information from the victim, assisted in case preparation as needed, and accompanied the victim to court when appropriate. However, in larger systems or those with multiple court locations, functional advocacy may work better. In this model, used in Brooklyn and Indianapolis, multiple advocates worked on a case: some did the case intake, some checked computer files for criminal history and investigated the case, others provided continuing victim assistance while the case was pending.

Several sites provided assistance to victims who wished to apply for protection orders. In Quincy, daily briefings by the district attorney's office for women applying for protection orders significantly increased the criminal filings by victims. In Denver and Milwaukee, advocates supplied victims with application packets and assistance in completing forms.

## Formal Entry of Court Orders

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It is imperative that the facts of each case are gathered and entered into the official record as soon as possible and that some official judicial action be taken as a result of court proceedings in family violence cases. As a practical matter, diversion of a large number of cases before hearings are held to establish the facts of these cases weakens the court's ability to prosecute in other cases and discourages the good evidence-gathering necessary for formal court action. Sites that diverted cases prior to prosecution also found that reopening cases for later prosecution was difficult, as was monitoring compliance with the conditions of the original diversion.

The culmination of a successful prosecution or other appropriate disposition should be a firm official action

by the court. It must be tailored and specific to the case. It should include, as appropriate, provision for punishment and treatment, as well as mechanisms for accountability and enforcement. Likewise, protection orders should be issued and served expeditiously. The protection orders should specify terms for custody, support, visitation, possession of the premises, and treatment requirements. They should also include mechanisms for monitoring and enforcement. In cases where petitions are denied or a criminal case is dismissed, judges should state the reasons for the record.

The need for formal entry of court orders is twofold. First, it discourages the use of informal diversion, civil compromises, reduced charges, dismissals, and suspensions that are inappropriate and inconsistent with the goals of a family violence project. Official court actions provide a clear message to everyone involved that the court takes these matters very seriously. Second, it creates the necessary information base for followup intervention and victim protection. Judicial orders should be transmitted to police departments, probation departments, and treatment agencies as appropriate.

**Implementation Site Examples.** During the course of the BJA projects, jurisdictions established several policies to promote formal entry of court orders. In Portland, the lead judge in a case issued a policy of nonacceptance of civil compromises. Such motions were disapproved and the case was scheduled for trial. Legislation also was introduced to prohibit the use of civil compromise in family violence cases. In Quincy, standard elements for court orders were established, including pretrial probation and no contact with the victim; release orders specifying provision for child support and custody; confiscation of weapons for protection orders; and formal probation supervision with batterer treatment and drug and alcohol testing following criminal convictions.

## Formal Monitoring and Enforcement

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Even though court orders contain specific language for monitoring offenders and enforcing court-ordered conditions, the resources must be available and the mechanisms for enforcement must be in place for effective monitoring to occur. The standard strategy for monitoring compliance in criminal cases is to place

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offenders on probation. However, because family violence incidents, even those involving considerable injury, are often prosecuted as misdemeanors or less serious felonies, the level of supervision by probation departments is often merely administrative, involving minimal client contact and a reliance on checks of police reports for new offenses and reports of non-compliance filed by treatment agencies. In cities with large probation caseloads and multiple treatment agencies, communication between treatment agencies and probation officers may be poor.

Thus, even if placed on formal probation, many abusers are left unsupervised because of large caseloads. This response relies heavily on the victim's willingness to notify the courts and probation officers of new incidents. Without intervention, an abusive conflict can build to a new crisis level. The high rate of recidivism of family violence offenders dictates more aggressive monitoring of offenders. This can be accomplished by setting up a special monitoring program or assigning probation cases to specially designated probation officers.

The problem of monitoring compliance with protection orders is even more acute because most court systems do not have any mechanisms in place to enforce civil court orders. In spite of the fact that violations of protection orders are very common, prosecution of perpetrators for violations of protection orders is only an extremely small portion of most courts' family violence caseload. Without the necessary followup, the efforts of law enforcement, prosecutors, and courts will have little deterrent effect.

**Implementation Site Examples.** Baltimore County established a Domestic Violence Referral Program to monitor offenders ordered to treatment. Program staff conducted an intake interview, transferred paperwork to the treatment agency, and set up procedures for regular reports from the treatment agencies on attendance. In Indianapolis, a special unit was established in the probation department to handle domestic violence cases. In these cases, probation officers had more intensive contact with offenders and maintained regular personal contact with treatment agencies. In sites using referral to treatment, compliance was monitored by designated staff in the prosecutor's office.

The probation department in Quincy established unusually aggressive monitoring of family violence offenders, including pretrial supervision of those

offenders with protection orders in place who were awaiting trial on criminal charges. Most offenders were placed on intensive probation, checked on once a week, and monitored for drug and alcohol use. Monitoring included regular checks with the victim and treatment agencies, as well as with police departments for subsequent arrests. Enforcement in Quincy meant a return to court with probable incarceration for any and all violations of the terms of probation. An additional monitoring method was a weekly check of computer records for payment of child support, which is to be paid through the court when ordered as part of a protection order. Several missed payments created a red flag to alert probation officers that something was amiss.

## **Batterers Treatment Programs**

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Batterers treatment programs are a mandatory part of an effective response to family violence. Such programs offer an appropriate means of intervening to remediate abusive behavior, but they must be developed with attention to protection of the victims and enforcement by the courts, and programs should be reviewed for appropriateness by professionals who are experts in treating family violence.

These programs are based on the understanding that battering is a learned behavior that can be changed by education and counseling. Batterer treatment must be specifically designed to address battering issues. Approaches that emphasize personal growth or marriage counseling and those that deal only with controlling anger without addressing the underlying issues of self-esteem, power, and control are not likely to be effective and are, therefore, inappropriate. Treatment programs should also address the lethality of violence and victim safety issues. These issues must take precedence over confidentiality issues.

Many communities have either no batterers treatment programs or do not have sufficient treatment capacity to serve court-ordered clients. As court intervention and law enforcement efforts expand, treatment caseloads expand. For this reason, continuing development of adequate and appropriate treatment tends to be an ongoing activity required on the part of family violence programs. Representatives of agencies receiving court referrals should meet regularly as a group with court monitors from the probation department or courts to discuss policies and problems.

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Another continuing problem is how to address the need that many abusers have for alcohol and drug treatment. Most batterers treatment programs require the offender to attend separate substance abuse treatment prior to entering batterer treatment; a few programs address both problems. Guidelines and treatment alternatives for substance abusers need to be developed in conjunction with batterers treatment programs.

**Implementation Site Examples.** Every one of the demonstration sites provided for court-ordered batterer treatment as an alternative case disposition. However, the models of batterer treatment used at these sites varied from brief 5-week education programs to 26-week programs that combined education with group therapy.

Although none of the demonstration projects undertook to specifically evaluate the effectiveness of these types of treatment programs, a number of lessons were learned about how to implement a treatment alternative for abusers. One lesson was that policies should be established on treatment program standards, program duration, staffing, reporting of compliance, eligibility, and payments. Another lesson was that treatment and educational providers must submit regular progress and attendance reports to the court or probation department.

A problem encountered at several sites was wide diversity in program costs, duration, and policies among the programs used for court referrals, creating difficulties in assigning cases and in enforcing compliance. To counter these problems, jurisdictions should either establish clear criteria for program referrals or require some uniformity in program costs and duration. The Denver project initiated a group to plan treatment standards that have since been mandated by State law.

At several sites, long waiting periods for entry into treatment were a problem as arrests increased and prosecution policies toughened. In some cases, the period of court supervision expired before treatment could be delivered. Delayed entry increases the risk to victims and decreases the likelihood that the offender will ever enter the program. To help bridge the transition from court to treatment, Indianapolis provided a group orientation for offenders ordered to treatment to lay out offender obligations and regulations of the court program.

## Training

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Training is key to solving many of the existing problems courts have with family violence cases. Current problems in responding to family violence stem in large part from a lack of understanding on the part of most people as to the dynamics of domestic abuse, personal reactions and attitudes about it, and a severe dearth of information as to what effective alternative responses might be. Indeed, the purpose of the BJA demonstrations was to discover what kinds of changes in the system's response were possible and would be effective.

All those individuals working directly with family violence cases or family members must receive comprehensive training on the nature of family violence. This training should provide a basic understanding of the needs of victims and the rationale behind the specific policies and practices implemented by the project. Specifically, the training should cover:

- The dynamics of family violence.
- Battered-spouse and battered-child syndromes.
- The correlation between spouse abuse, child abuse, and delinquency.
- The impact of arrest.
- Evidence gathering and prosecution techniques.
- Victim safety issues.
- Proper courtroom treatment of victims, offenders, and witnesses.
- The impact of personal attitudes and gender bias on courtroom demeanor and actions by justice system personnel.
- Sanctions available and treatment standards for offenders.
- The elements of a good protection order.
- Shelter and support services available for victims.
- Effectiveness of coordinating and consolidating cases and services.

In addition, training in the procedures and practices they are expected to follow as the family violence program is implemented must be provided to agency personnel.

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Finally, it cannot be noted too frequently that the high percentage of both spouse and child abuse found within these families clearly mandates the development of sound domestic violence policies and training for Departments of Social Services and Child Protection Services caseworkers. These agencies should also increase their coordination with justice system agencies addressing family violence issues.

**Implementation Site Examples.** All of the jurisdictions studied found it necessary to provide training. Portland trained all circuit court judges as well as police, hundreds of other system agency personnel, and the general public. The judges' training was certified for continuing legal education credits and was conducted during lunch breaks in the courthouse, making it very attractive to them.

Quincy held a series of 1-day training conferences on family violence for 17 local police departments, probation officers, and the Department of Social Services. They brought in national faculty for these events. They also sent their project staff and one judge out of the State for training.

Other training strategies included 10-minute police briefings at roll calls and inservice training for officers, with attendance mandated by agency directors. The Baltimore County spousal abuse unit utilized a training film for police officers. The Indianapolis project participated in a television program for general audiences.

## Costing Out These Elements

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Family violence projects cannot occur without the appropriate resource allocation. While resources required are more than minimal, they need not be extraordinary. Some implementation costs may, even in the short term, reduce overall system expenses. Considering the fact that in some jurisdictions police and probation departments have been successfully sued for not having policies (and programs) that provide adequate protection for victims, the costs in dollars of having a program may be less expensive than not having a program.

The bulk of the costs of a family violence program will be associated with the need for new or reassigned staff to provide more court time, as well as more

specific focus on this issue in police departments, prosecutors offices, intake divisions, and probation departments. Actual project costs may depend in part on the extent to which staff can be reallocated or positions redesigned to accomplish services more efficiently. The impact of shifting existing resources on the delivery of other services also must be assessed.

Actual project costs also may depend on the extent to which aggressive outreach, law enforcement, and prosecution generate new cases. Some jurisdictions have experienced a very significant increase in the demand for services for victims and perpetrators of family violence once the services become more responsive. When prosecutors and courts begin taking domestic assault cases more seriously, a tremendous demand for both probation services and batterers treatment programs may be created. Jurisdictions wanting successful family violence programs should be prepared to respond to such needs.

Given willingness, open lines of communication, and agreed-upon procedures for regular exchange of information, the cost of case coordination is negligible. Indeed, some coordination activities, such as using police for liaison, are likely to reduce staff time and costs. Some jurisdictions, however, have responded to the acute need for coordinated family case information by installing sophisticated computer equipment, which may be expensive at the outset, but is most efficient in the long run.

Similarly, given willingness and good intentions on the part of all concerned, direct costs of developing policies are negligible. The personnel costs associated with implementing new policies are the same as the costs for early response, vigorous prosecution, and formal monitoring.

However, implementation of the policies will entail costs. It is possible that personnel resources may be needed at many levels, including additional police, prosecutors, court staff, judges, probation officers, and social service providers. Staff training on new policies may also be required.

Costs associated with formal hearings and entry of court orders include the time of the prosecutor's staff; docket time and court resources related to more trials and hearings; the time of judges and hearing officers; systems and information technology to expeditiously transmit court orders; and the probation, treatment,

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and monitoring resources needed to back up the judges' orders.

Costs of developing batterers groups and other treatment or educational programs should be borne by the perpetrators. Courts should order that they pay for their own treatment to the extent that they are able. However, many jurisdictions may lack trained personnel or therapists and need to work with local mental health agencies to support the development of batterers treatment programs. The initial cost of staff training must be recognized.

Also included is the cost of training to support early intervention needed by those having initial contacts with victims, such as police, court and social service intake workers, clerks, prosecutors, and advocates. Training costs can be minimized by using existing

training resources. These might include faculty, curricula, and materials that are available (often free of charge) through many national, State, and local groups. Provision should be made to offer family violence training on a regular basis to accommodate staff turnover.

On the other hand, many of the victims and offenders to be served by a family violence project may already be on the rolls of shelters, children's protective services, and probation departments. In such cases, the project should provide coordination that will lead to more efficient and effective services and that will have the potential to provide some reduction of the existing caseloads. The designation of a single individual as project coordinator, similarly, should pay for itself in terms of a more efficient and cost-effective response by the whole system.

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# IMPLEMENTATION

Systemwide reform in the justice response to family violence is a challenging undertaking. Many different agencies must agree on priorities, work together to develop procedures for assisting each other in case response, and overcome both bureaucratic and social resistance to change. Success in these endeavors depends largely on strong leadership, structured inter-agency planning, and adequate training and support for agency personnel.

Barriers facing new family violence programs include lack of consistent agreement on the need for aggressive intervention by law enforcement agencies and courts, the difficulty of coordinating new policies and practices across agencies with diverse mandates and constraints, and the need to build into the change process the necessary staff support, management practices, and resource allocation to ensure program innovations are implemented and ultimately institutionalized.

Further, reform in handling family violence cases is not without pitfalls. Some problems will be solved successfully, others may drag on, and some may be so severe that certain program initiatives must be abandoned. However, implementing clear, consistent family violence policies and practices provides a strong organizational structure for dealing with a disaster, should one occur. Disaster could mean a victim killed by an offender on probation and in treatment, an officer killed responding to a family violence call, or continued child abuse following repeated complaints from the victim. To the extent that good policies are in place, practiced, and working, the probability of a disaster is minimized.

The experiences of the 11 BJA demonstration programs provided considerable insight into effective strategies for achieving change in the face of these barriers and point to the importance of three key implementation issues: (1) achieving consensus,

(2) fostering interagency coordination, and (3) supporting change over the long term.

## Achieving Consensus

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Resistance to an aggressive justice response to family violence stems in part from ingrained attitudes and beliefs about families, the role of the courts and law enforcement agencies in family matters, and the rights of women and children. Families are a cherished institution, and there is widespread reluctance to acknowledge the prevalence and severity of family violence. Acceptance of the rights of males, traditionally viewed as household heads, to exercise authority over family members has put abused women at a distinct disadvantage in seeking legal redress. Within the legal system, the tradition that a "man's home is his castle" has produced a hands-off attitude toward family violence.

This results in attitudes and practices, some subtle and some not-so-subtle, that discourage and/or blame female victims. Judges may blame female victims for instigating or causing the violence against them. Women who defend themselves during an attack run the risk of having the incident interpreted as mutual combat. A male offender's abusive behavior may be accepted as an appropriate response and excused by extenuating circumstances ranging from his drinking, to job stress, to the victim's failure to meet his expectations, which are assumed to be reasonable. If accounts of the violent incident differ, judges may tend to accept the male partner's testimony, relying on stereotypes of women as emotional and unreliable witnesses. The failure of judges to respond appropriately in family violence cases was cited as the biggest single problem faced in the majority of the demonstration projects. In extreme cases, victims have been berated for failing to please the offender or jailed for



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refusing to testify. The seriousness of this problem is underscored by recent studies documenting gender bias in the courts.<sup>20</sup>

Court practices can also discourage victims from initiating and pursuing legal solutions. Filing fees for initiating complaints can present a major hurdle to abused women, who typically have fewer financial resources than their partners. Restricted hours and hard-to-reach locations for filing complaints limit access to court protection for victims who have jobs or small children. Uncertainty about the protection court orders will provide may make a victim susceptible to efforts by the offender to get her to withhold testimony. Those prosecutors who are not committed to court intervention in family cases are less likely to treat assault as a crime when the victim is a family member. In addition, negative experiences with reluctant witnesses may cause prosecutors to avoid aggressively pressing for conviction.

Courts are not alone in their resistance to aggressive intervention in family violence. Among law enforcement officers, the belief that family disputes are particularly dangerous to officers is often cited as a reason to avoid intervention. Like judges, law enforcement officials may assume that the victim provoked the incident or is reacting emotionally. However, a number of factors are moving police toward more consistent and aggressive enforcement practices. These include stronger legislation, pro-arrest policies, and recent cases<sup>21</sup> in which police departments have been found liable for victim injury resulting from failure to enforce the law.

Because the majority of criminal family violence cases are prosecuted as misdemeanors, even when considerable violence is involved, probation officers often regard these cases as less serious, and in need of less supervision, than felony cases. This view fails to account for the extremely high rate of repeat offenses

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20. Kuehl, S.J. *Achieving Equal Justice for Victims of Domestic Violence*. California: Judicial Council Advisory Committee on Gender Bias in the Courts, 1990.

"Minnesota Supreme Court Task Force for Gender Bias and Fairness in the Courts." *William Mitchell Law Review*, Vol. 15, No. 4, 1989.

"Report of the New York Task Force on Women in the Courts." *Fordham Law Journal*, Vol. XV, No. 1, 1986-87.

21. Cases include *Thurman v. Torrington*, Connecticut; *Lewis v. Dallas*, Texas; *Consent Decree*; and *Nearing v. Weaver*: Oregon Tort Case.

in domestic violence cases and the high potential risk of serious injury to the victim. Indeed, the potential for subsequent violence is so high that adequate protection for victims dictates intensive monitoring of these probationers, preferably by staff trained in domestic violence patterns and instructed to check for subsequent incidents by reviewing arrest records and civil protection orders.<sup>22</sup>

Gender bias and opposition to intervention in family violence cases are difficult to reverse. They are so ingrained in organizational procedures and personal habit that many individuals and organizations are surprised when confronted with evidence of their existence, and find it difficult to recognize instances of harmful practice when they occur. For this reason, inclusion of victim advocates from outside the justice system in planning and monitoring the justice system response is essential. Efforts to combat reluctance to intervene aggressively must be ongoing and should include strong public support by agency leadership, training for agency personnel, and information about successful family violence programs in other jurisdictions.

Strong leadership can play a key role in reversing traditional attitudes and practices and in building support for a strong justice response. The positive effect of strong endorsement by the police chief, sheriff, chief court administrator, prosecutor, and especially the presiding judge cannot be overstated. The most reluctant law enforcement officers respond to directives from the top to arrest family violence offenders when there are clear guidelines to determine probable cause. Assistant prosecutors handling family violence cases, often rather junior in experience, are guided by the priorities and policies set forth by the chief prosecutor. Judges who espouse strong intervention in family violence cases can be very influential in shaping court policies and the opinions of their peers on the bench. Those in leadership positions in justice agencies should be encouraged to issue statements and policies supporting family violence program goals and to place priority on effective handling of such cases within their agencies.

Exposure to model programs and policies also can help build support for the program. Meetings and conferences can introduce concrete examples of successful family violence policies and practices from

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22. See footnote 14.

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other jurisdictions and provide personal contacts with peers—judges and police officers in similar jobs in other jurisdictions—with experience in innovative family violence programs. Formal training for justice system professionals in handling family violence cases should build on the now widely shared concern for women and children who are subject to abuse. The curriculum should include information on the battered-woman's syndrome: the reasons victims endure repeated abuse, the reasons victims may be reluctant to testify, the correlation of child and spouse abuse in families, and the benefits of intervening in the cycle of violence. Specific practices for improving the court's response should also be presented.

However, training on sensitive issues such as the core attitudes and values of the participants on women's issues must be approached carefully. Training provided by respected and trusted peers is often more effective than training provided by outside agencies and professionals. Advocates or others outside the justice system are sometimes viewed as adversaries, and their messages may be disregarded. Therefore, outside experts in family violence should be included in the planning and design phases of training, but should not always be heavily involved in the delivery of such training to the local audience.

## Interagency Coordination

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Interagency coordination is like international diplomacy. It requires negotiation, personal communication, attention to the interests and constraints of participants, and procedures for resolving disputes. Problems in achieving good interagency coordination at the BJA demonstration sites occurred despite efforts to establish interagency coordinating committees with broad membership. In some jurisdictions, political issues—competition for public recognition or authority to control decisions and resources—undermined effective coordination. Each agency should receive public credit for its contribution to a strong response against family violence. Differences in the authority of agencies to share information, differences in interpretation of their authority to implement specific policies recommended by the coordinating committee, and concerns about liability may also deter coordination. Disputes also sometimes stem from a long history of acrimony over unrelated problems.

Serious disagreements about disclosure of information, case handling procedures, and the legality of policies can require the intervention of a senior level official or respected community leader to negotiate collaborative arrangements. Information on how problems were resolved in other jurisdictions and the example of model policies can ease the negotiation process. In several demonstration sites, resolution of interagency disagreements required months of discussion and considerable compromise. However, program success depends on consistent and cooperative case handling, and efforts to solve disagreements should be extensive and persistent.

## Supporting Change

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Given that consensus can be achieved and procedures for coordination among agencies can be developed, an effective family violence program must institute management practices that will ensure that new policies and procedures are well understood and implemented consistently. Problems in sustaining family violence intervention efforts can result from high staff turnover, case overload, lack of information on case status and outcomes, and failure of supervisors to monitor compliance with family violence policies.

High staff turnover is commonplace in many justice system agencies. In many of the demonstration projects, assistant prosecutors handling family violence cases were replaced regularly. Duties of intake personnel also were often rotated or they were moved to other positions. Police assignments change frequently, and even judges are routinely rotated in some jurisdictions. As a result, training in family violence procedures must be repeated periodically.

Case overloads mean that the priority of family violence cases must be constantly reevaluated and reinforced. To implement a successful program, many may find that they need to allocate additional resources—more docket time, more victim advocates, more prosecutors. In overburdened court systems, acquiring such resources requires the continuing commitment of agency leadership to program goals.

Agencies also must check regularly to be sure that the information they need is being provided by other agencies in a timely fashion. Two areas in which this

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proved to be a consistent problem were the enforcement of protection orders for victims and the monitoring of court-ordered treatment for batterers. It is critical that treatment agencies provide the courts with accurate records of attendance and regular reports on compliance with court-mandated treatment. In turn, treatment agencies need regular notification of assignments to treatment, with background information and order requirements. At the time a new incident is reported or a violation alleged, police and sheriffs need to know if a protection order is in force and what it specifies. This requires up-to-date files that are readily accessible.

Supervisors can play a key role in supporting staff implementation of family violence policies. In several police departments, paperwork was routinely reviewed for completeness and compliance with policies, and in at least one department administrative penalties were administered for failure to comply with family violence policies. Most prosecutors appointed one assistant prosecutor to oversee filing decisions and plea bargaining.

## Conclusions

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The implementation issues are indeed formidable. When placed in the context of local politics and personalities, the challenge becomes even greater. At the same time, it is those same local politics and personalities that will make a program work. Although the process is difficult, the BJA Family Violence Intervention Project experience has shown that the rewards can go far beyond improvement of the justice system's response to family violence. Many of the issues to be resolved have stood in the way of progress in other problem areas for many years. Family violence coordinating councils bring together community leaders and heads of various agencies who may have never met, much less developed solutions together. Communication, policy review, negotiation, and consensus leading to cooperation and changes in philosophy, practices, and procedures demonstrate the great potential of the community and the justice system to make constructive changes.

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# PERFORMANCE MEASURES

Well-designed strategies for measuring the performance of a coordinated family violence program are important tools for monitoring the delivery of services, identifying system problems, and providing evidence of the need for, and effects of, the program. Services delivered, resources allocated, system support activities, and major project accomplishments or milestones should be documented. Data systems that provide profiles of cases to assist in coordinated case handling and assessment of the shifting demands for service should be in place. Sustained funding and public support may well be contingent upon demonstrating the effects of allocating resources on improved justice system response to domestic violence offenses.

## Measuring Performance

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Performance measures should:

- Document justice agency functioning.
- Document case profiles, individually and in the aggregate, to monitor and track cases and to assess shifting service needs and patterns.
- Utilize data from information systems that support case handling or program administration.
- Be collected in a consistent way to permit examination of changes in program performance over time.

The focus of the program performance measures should be on program implementation. Data on program resource allocations (inputs), program services delivered (outputs), and program accomplishments (milestones) should be collected and used in program management, problem solving, and accountability. Controlled studies of the impact of program activities on the prevalence and incidence of abuse are likely to require investments of time and expertise that exceed the resources available; while desirable, controlled studies are not required.

Performance measures should be linked to a specific agency's responsibilities and reviewed against standards stated in the agency planning documents. Standards for each agency will need to be interpreted within the context of systemwide effects of new policies and activities, because each agency's performance is contingent on the performance of other agencies. For example, an increase in police response to domestic violence calls or an increase in onsite arrests may have what appear to be negative effects, such as overloaded dockets or lower rates of successful prosecution. Review of performance measures at family violence task force meetings can assist in interpreting progress toward overall program goals.

Data collected to assist in case handling can be used in performance monitoring if the information system is designed with both applications in mind and data quality is monitored. Data on the number of cases handled and the services delivered by each justice agency can be collected from records used to identify and track family violence cases as they move through the system. Calls for service to the police dispatcher can be counted if they are coded as family violence calls in the police computer system. Police incident reports can be counted if they include a code for family violence, as can charges filed, and court orders issued. Data on staff hours and costs can be collected from payroll records. Data on case outcomes can be collected from court records. Because data will be drawn from a number of agencies and information systems, one person, usually the family violence coordinator, should assume responsibility for gathering the statistics on a regular basis.

To ensure that performance measures are collected in a timely, uniform, and appropriate way, programs need to develop written procedures that include the definitions of data elements to be measured and the responsibility of each agency in maintaining records for use in performance measurement. Staff responsible for collecting performance measures in each agency need training in the definitions, the data

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collection procedures, and their own responsibilities. To combat the negative effects of staff turnover and overload, training needs to be repeated and reinforced by regular monitoring of results. This process can be useful in identifying problems within and among agencies and may generate coordinated problem-solving activities.

## Program Milestones

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Program milestones reflect program accomplishments that change the justice system response to family violence cases. Examples include new legislation, new policies and procedures, additional staff allocations, new data systems (hardware and software), new services for families, agency reorganizations, and new alternative sentencing options. These accomplishments are usually the outcome of extensive and coordinated efforts on the part of program staff, community leaders, and others concerned about family violence. Their accomplishment signals effective program operation. Documenting program milestones also provides an important reference for understanding shifts in trends in service delivery and case outcomes and identifying unintended problems created by changes in the system response. Quarterly reports on project milestones should be prepared by the family violence coordinator and should include dates when shifts became effective.

## Resource Allocation

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Basic accountability procedures include collecting data on the resources allocated to handling family violence cases. These resources—program inputs—should document the staff hours and budget devoted to family violence cases. This budget may require estimating the percentage of time devoted to family violence cases as a part of a position. Additional resources devoted to program activities include office space and equipment, computer services, and docket or courtroom time. Measures of these resources used by the program will probably need to be based on estimates of the part of shared resources devoted to project activities. Although the most significant shifts in resources will be associated with project milestones, such as new services and new policies, smaller shifts may occur over time and should be

monitored for evidence that commitment to program activities is sustained.

## Service Delivery and Case Handling

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Each agency that handles family violence cases should provide regular information on the number of cases handled and the number of services provided each month. The selection of measures for these factors will depend on each jurisdiction's laws and procedures, as well as the agency's responsibilities as set forth in program policies.

Police and sheriffs departments need to collect data on their response to family violence cases. Performance measures can include the number of family violence calls for service, the number of cars dispatched, the number of incident reports filed, the number of arrests made, and services provided to victims.

The number of new and continuing criminal cases, civil cases, and emergency protection order requests should be collected from all courts that handle any type of family violence case. The number of cases disposed by the courts each month should provide counts of civil and criminal cases reaching disposition, as well as their outcome (guilty, not guilty, dismissed, and other types of disposition). Records should be maintained on the number of court orders that include batterer treatment, substance abuse treatment, community service, supervised probation, jail time, and protection for the victim.

Compliance with court orders is an important feature of a successful family violence program. For each condition ordered, the agency responsible for monitoring compliance should record the number of new cases referred to them each month, the number of cases found in violation of the order each month, and the number of cases satisfactorily closed and the number of cases unsatisfactorily closed each month.

Service measures should record the number and type of services to victims—including direct services to families, referrals, court notifications, court accompaniment, and assistance in filing court papers. Service measures might also include the number of summonses served, cases investigated, cases charging

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criminal offenses, cases diverted or dismissed, and cases prosecuted.

## Case Profiles

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Case profile information should be collected from all agencies serving family violence cases. The profiles should provide background and current information on the offender, victim, and sometimes other family members. This type of information is needed in order to make appropriate treatment decisions and disposition orders. If information systems are coordinated, the case profile also should contain file numbers or other identifiers that will allow matching of individual cases with arrest, prosecution, court, and probation files.

Because it is important for project administrators to know if their victim or offender population is changing over time, aggregate profile data should be compiled on a regular basis. The aggregate profile data should summarize prior criminal history, current offense, age, race, sex, court disposition, treatment referrals, and status at case closure. Aggregate case profile data can be used to interpret and understand system functioning data. For example, a reduction over time in the average age of offenders or the number of prior offenses might be interpreted as an indication that the system has had the desired impact and there are fewer recidivists. An increase in the harshness of sentences may be accompanied by a change in the types of offenses charged for the period.

Aggregate profile data also enable project administrators or researchers at some later date to compare and

contrast the effects of various program strategies such as incarceration versus probation, civil versus criminal resolution, and the effectiveness of various treatment approaches on offenders.

This kind of information obviously would be useful in guiding the future activities of a project. Data collected during the planning stages of a program, preferably on an automated information system, will also be very helpful for comparison purposes, if data elements and collection tools have been reviewed by a researcher with a view toward future use, as well as current utility.

## System Support

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Successful family violence programs need to incorporate activities designed to facilitate interagency coordination, support staff development, and improve agency operations. Measuring program performance in the area of system support can include documenting the number of interagency meetings and the number of attendees, the number of hours devoted to staff training, and the number of staff trained.

System support activities can also involve public education and community outreach. These include, for example, preparing and distributing materials on family violence; training professionals such as teachers, medical workers, or clergy; and delivering speeches. Performance measures can include the number of hours devoted to these activities and the number of persons served by such training.

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# CONCLUSION

Family violence—so long the “hidden” crime—has finally been revealed as the national problem it truly is. It is being addressed in formal, and hopefully useful, ways. The justice system is a major part of this formal response.

This Program Brief has set forth a plan that can help jurisdictions to intervene and respond effectively to the multitude of problems that arise from abuse within family groups. It is not an easy plan. It will not be a quick fix. But with leadership and cooperation from within the justice system and with the assistance of other key players—social services providers, victims assistance groups, and members of the community—it can be done.

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# SOURCES FOR FURTHER INFORMATION

For further information on the BJA Family Violence  
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