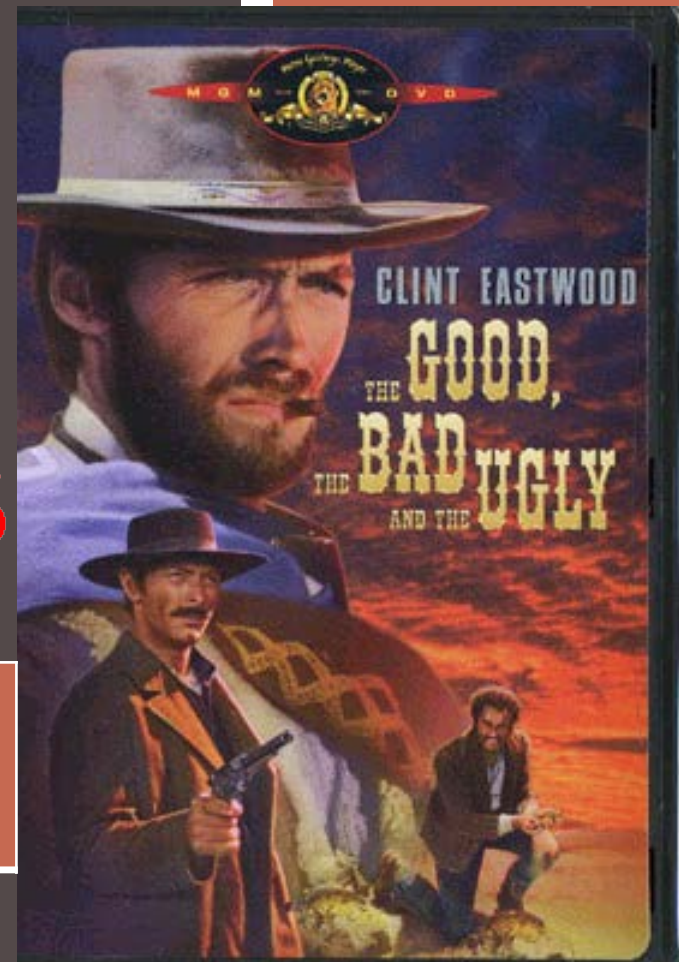


Spousal Defense Rage  
Safe House  
Argument Threats Abuse  
Psychological Rights  
Alcohol  
Plaintiff  
Court Victim  
Grief  
Spousal  
Safe House  
Argument Threats Abuse  
Psychological Rights  
Alcohol  
Plaintiff  
Court Victim  
Social Verbal  
Justice Judge  
Pain Defendant  
Physical Spouse  
Police Lawyer  
Help Partner  
Scared  
Harm Anger  
Laws  
enforcement

Rated M: Suggested for Mature Audiences, may contain adult language.

# KNOW EXCUSES

James E. Henderson Jr. MSW, CAC-R



# LEARNING OBJECTIVES

- Identify how the system enhances or impedes victim safety & offender accountability.
- Discuss how offender monitoring and behavioral change must be grounded in a victim centered approach
- Identify the similarities & differences between partner abuse and substance abuse.
- Identify new tools and resources for managing offenders



# THERAPEUTIC JURISPRUDENCE

- Systems advances or impedes therapeutic goals
- Legal actors constitute social forces that produce therapeutic or antitherapeutic results
- The justice system can enhance therapeutic outcomes by, holding offenders accountable and enhancing victim safety



# PREVENTATIVE LAW

- **Come up with strategies to avoid ongoing abuse or consequences to innocent persons**
- **Proactively monitoring domestic violence cases to enhance the victims, none offending parent, children's and communities safety**

# BETWEEN ARREST AND PROSECUTION 30% OF OFFENDERS RE-ASSAULT

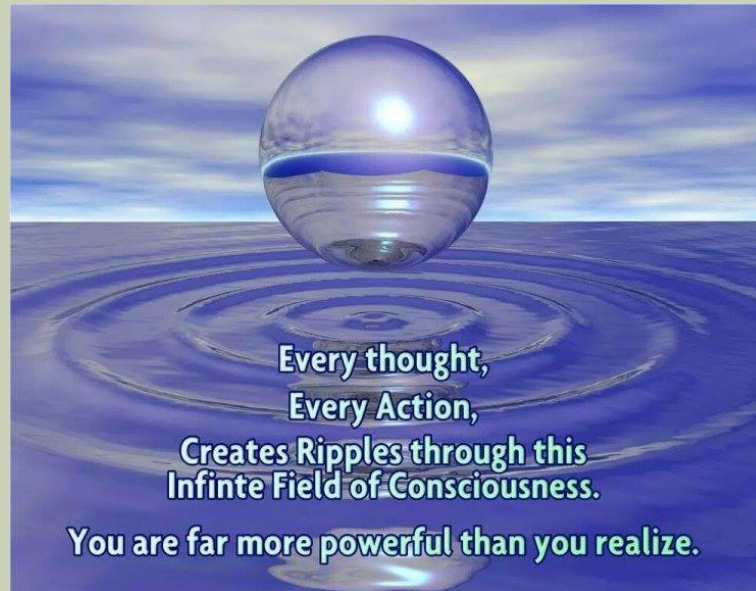
S. GOLDSMITH (1991)

How many of you, would have reservations that the system can keep you safe?



# RESTORATIVE POLICIES

- Victims should have more input into proceedings
- Those victimized should be compensated/  
restored to their former condition



# META-ANALYSIS



**Victims who experience a restorative justice program express high levels of satisfaction with the process and the outcomes.**



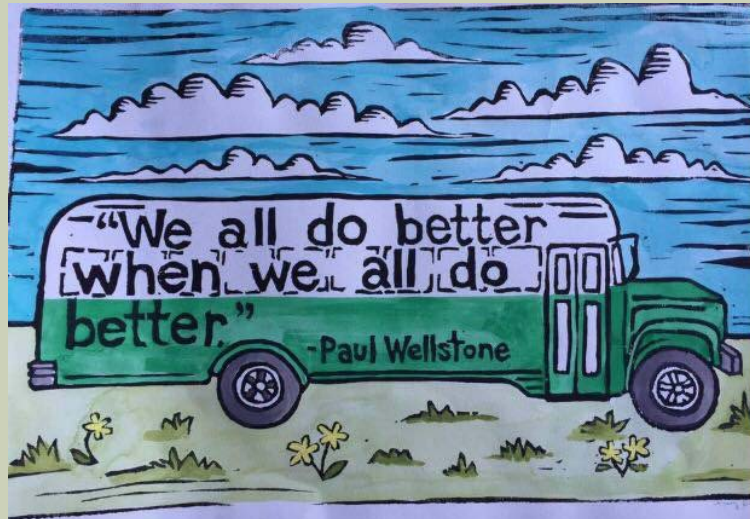
**Victims' satisfaction level appears to be related to the fulfilment of restitution agreements.**



**The results of a meta-analysis indicated slight reductions in the recidivism rates of offenders participating in programs using community service & restitution compared to programs without.**

# POLICY # 1

- Reports will document all losses as a result of abusive behavior
- Supervision officers will seek restitution to restore victims back to pre assault status. i.e. time loss from work, cost of clothing, etc.





# POLICY # 2

- Establish policies that immediately submit police reports, Pictures of injuries, orders of protection request, and any 911 tapes to CPS workers, supervision officers, intervention providers and high-risk teams



# POLICY # 3



- If an individual has a history of abusive or controlling behavior, request batterer intervention.
- At a minimum an assessment on all cases that have as a basis, intimate partner violence, coercive control, or scare tactics even when no criminal charges

# OUR MISSION, SHOULD YOU CHOOSE TO ACCEPT IT...

- Maximize the safety of those victimized by the violence;
- End community tolerance of domestic violence;
- Hold offenders accountable for their violence and abuse;
- Ensure fair and equitable treatment in the criminal justice system for persons affected by domestic violence.



*Adapted from Washtenaw County JODI Mission Statement*

# PRIORITY # 1 MAXIMIZE VICTIM SAFETY

- Victim safety trumps, Offender Accountability
- Ongoing victim contact:
  - Extensive training from?  
Your local Family Justice Center & non-governmental advocates
  - Sensitive victim interview critical
  - Shift from gathering to providing information
  - Personalized and ongoing safety planning
- Why?
  - Batterers lie



# WHEN YOU DON'T KNOW WHAT YOU ASKED FOR



# POLICY #4

Require supervision officers/intervention providers (pretrial, probation, parole, CPS etc.) to attend the same training that all nongovernmental victim advocates attend in their local community



# THE BOTTOM LINE

**“The primary responsibility of prosecution is to see that justice is accomplished.”**

**§1.1 NDAA National Prosecution Standards, 2nd Ed., 1991**

**What’s primary responsibility of your role?**

# DOES ANYONE GET JAIL FOR STRANGULATION?





# SAILOR SENTENCED TO 18 MONTHS IN JAIL FOR STRANGLING CAT IN VIRGINIA BEACH

JUN 14, 2016

- A Virginia Beach man was sentenced to 18 months in jail after he pleaded guilty to strangulation of a cat he adopted from the Norfolk Society for the Prevention of Cruelty to Animals.
- Circuit Judge A. Bonwill also ordered Page to remain on good behavior for two years and not to own any pets during that time.
- Gerarden strangled it with a nylon cord.
- Gerarden, pleaded guilty last month to felony animal cruelty. He was sentenced to five years, with three years and six months suspended, leaving just 18 months to serve, fined \$500 and was ordered to refrain from owning a pet.



Courtesy of Virginia Beach police  
Cody Craig Gerarden



Courtesy of Virginia Beach Police



Courtesy of Norfolk SPCA  
Pirate the cat

# MAN WHO STRANGLED KITTENS GETS JAIL TIME, PROBATION JULY 26TH 2017

- A man will spend time in jail after pleading guilty to animal cruelty charges in New Hanover Criminal Superior Court.
- Daniel Eligha Knotts, 20, of New Hanover County, entered guilty pleas to two counts of animal cruelty, class H felonies.
- On May 3, Knotts strangled two kittens that were only a few weeks old
- On Wednesday, Knotts received two suspended sentences of 6-17 months with 60 months of supervised probation with the Division of Community Corrections, the maximum time allowed under state law. He must serve 75 days in jail prior to being released on probation.
- Complete mental health/SA evaluations and treatment, comply with prescribed medication
- He is not allowed to possess or care for any animals during the course of his probation.



# HAS JUSTICE BEEN DONE IF:

- **The system fails to address violence against the non abusive parent**
- **The consequences for the victims are harsher than those given to the offender**
- **We offer the victims false hope**
- **We taught the victims to never trust us again**



# DOES PROSECUTION DETER ABUSER

**“No consistent evidence that prosecution has a deterrent effect over arrest without prosecution, prosecution without conviction, or conviction regardless of sentencing severity”**

(Garner & Maxwell, 2009)

Impact of Differential Sentencing Severity for Domestic Violence Offenses and All Other Offenses Over Abusers' Life Spans 2014  
Andy Klein, Ph.D., David Centerbar, Ph.D., Steven Keller, Jessica Klein

# PROSECUTION FOR DV & NON-DV CRIMES

Non-DV (84.65%)

DV (81.2%)



# FINDINGS

- While DV offenders were significantly less likely to be prosecuted, those prosecuted were scientifically more likely to be incarcerated , but less likely to be incarcerated for more than a year.
- Credit goes largely to probation; Almost half (45.3%) of DV prison sentences were the result of probation revocation, while only 36% of Non-DV offenders prison sentence were the result of a revocation.

# SO BACK TO OUR QUESTION

Does DV sentencing deter abuse?



# KLEIN ET. AL COMPARED

First 6 years of a sample of 982 abusers criminal careers

1. Sentenced more severely for DV than non-DV
2. Sentenced the same for DV as non-DV
3. Sentenced less severely for DV than non-DV



# CONTROLLED FOR TYPICAL RISK FACTORS

1. Age of abuse and first offence
2. Gender
3. Number of total prior offenses.

So the three abuser comparison groups would be of equal risk of re-abuse

# NUMBERS OF NEW ARREST AFTER FIRST 6 YRS

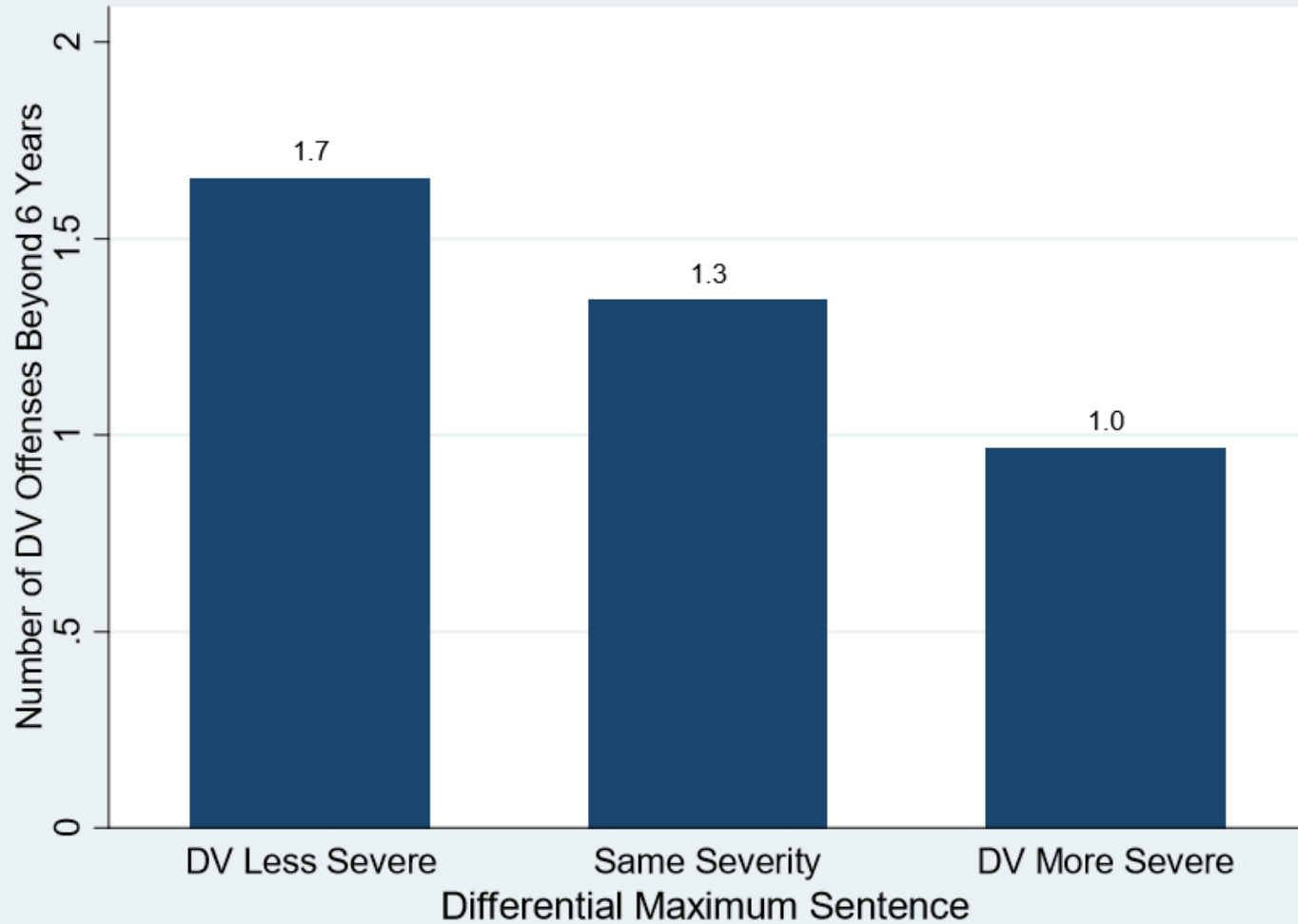
DV sentenced less Severely / DV Sentencing more Severely

1.63

1.12



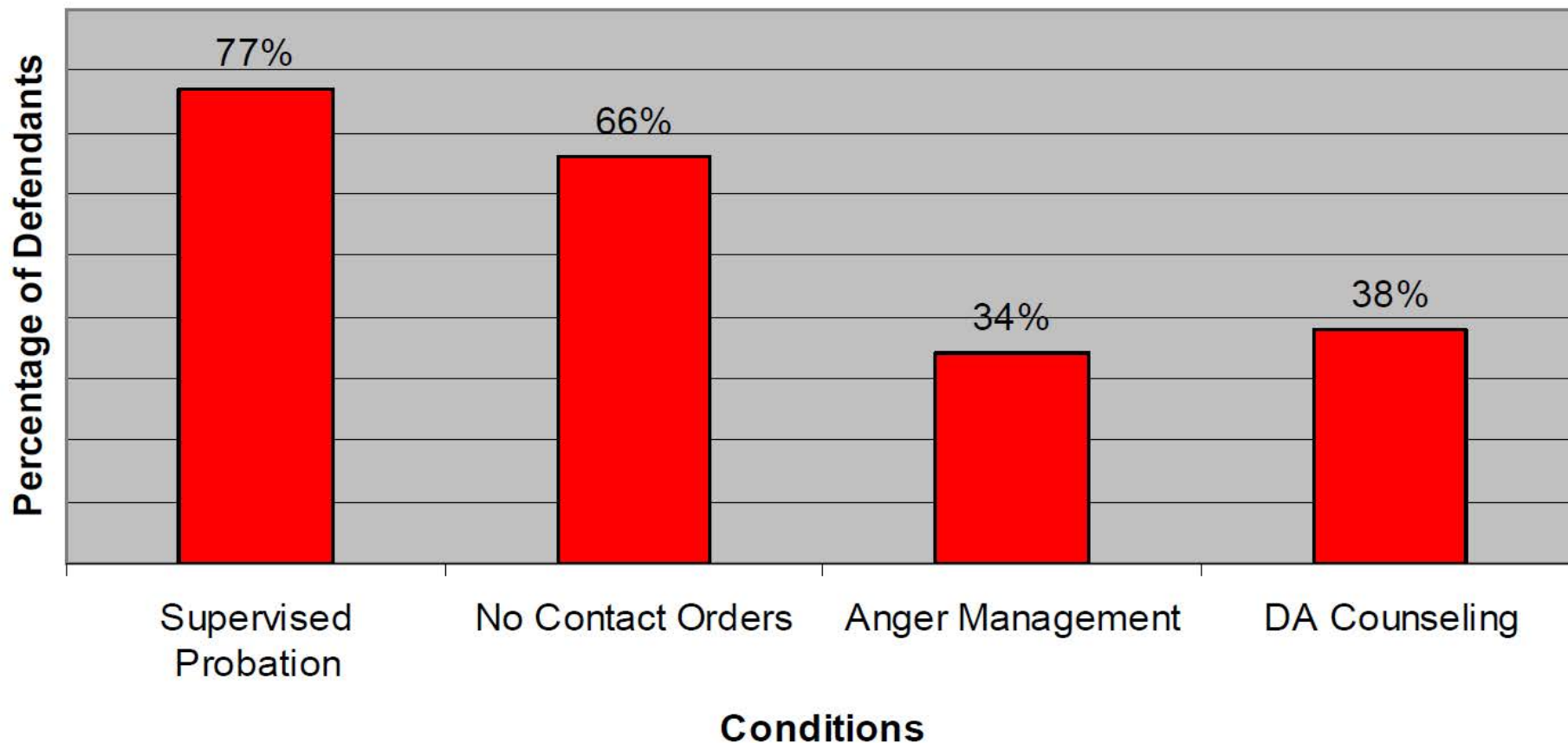
# NUMBER OF DV RE-OFFENSES BY DIFFERENTIAL MAXIMUM SENTENCING GROUP



# WATCH REPORT 2

THE IMPACT OF MINNESOTA'S FELONY STRANGULATION LAW 2009

## 2007 Probation Conditions



# LEARNING POINTS

- 89 percent of defendants who committed new domestic violence-related offenses had received lenient sentences for the original felony strangulation conviction, such as a stay of imposition, or had their felony strangulation charge dismissed, in effect sending the message to the abuser that the justice system will not hold him accountable for his violence.
- If you were the one victimized, would you have reservations that the system can keep you safe?





**Informed victims are better able to assess offender lethality and plan for their own and their children's safety**

NIJ JOURNAL NO. 253 JAN 2006  
VICTIM SATISFACTION WITH THE CRIMINAL JUSTICE SYSTEM

- **118 women tracked for 1 year**
- **49% admitted that had been re victimized**
- **22% reported the incident**
- **More likely to report less serious offenses**
- **For individuals who experienced ongoing abuse, reporting this latest incident may be viewed as useless ritualism.**

## **Victims of DV wanted to :**

- **Enhance their own safety,**
- **Maintain economic viability,**
- **Protect their children,**
- **Have an opportunity to force the abuser into a BIP**



**NIJ JOURNAL NO. 253 JAN 2006**  
**VICTIM SATISFACTION WITH THE CRIMINAL JUSTICE SYSTEM**

**6 Common variables in satisfied cases:**

- **Incidents were less serious**
- **Offenders were less dangerous**
- **The victim felt some control over the court**
- **Reported less violence in her past**
- **Felt control over ending the violence**
- **Felt control over her offenders future conduct**

# WHAT DOES THE DATA SAY ABOUT ALCOHOL?



# A LOOK AT SOME STATISTICS...

- Over 50% of men in BIPs have SA issues and are 8 times as likely to batter on a day in which they have been drinking
- Half of partnered men entering SA treatment have battered in the past year and are 11 times as likely to batter on a day in which they have been drinking
- Between a quarter and half of the women receiving services for DV have SA problems
- Between 55 and 99 percent of women who have SA issues have been victimized at some point in their life and between 67 and 80 percent of women in SA treatment are DV victims

*Larry Bennett, PhD, University of Illinois Chicago*



## A LOOK AT SOME STATISTICS...

Some research has indicated that spousal abuse could be a predictor of the development of a drug addiction.

# THERE IS A LINK . . . BUT WHAT IS IT

- Most men are not drinking or drugging when they batter
- Most (80%) heavy drinkers don't batter
- The apparent correlation between substance abuse and DV fits only a sub-group of people.
- When male-dominant attitudes are controlled, relationship between substance abuse and DV lessens, suggesting both substance abuse and attitudes toward gender are important in preventing DV

# PERCEPTION

- Alcohol intoxicated participants perceived both parts' their physically aggressive behavior as comparatively less severe, but others neutral behavior as more hostile.
- Sober witnesses perceived the man to be the most guilty part, whereas intoxicated witnesses distributed guilt more evenly. Alcohol had a strong but complex impact on the perception of aggression in IPV

Journal of Interpersonal Violence

- In Women, alcohol intoxication can both lower the perception of danger in a risky situation (Bushman & Cooper, 1990; Taylor & Chermack, 1993)
- In perpetrators it created a heightened perception of aggression in another person's behavior during a neutral interaction (Clements & Schumacher, 2010; Ogle & Miller, 2004).

# TRICK QUESTION

- Results of a Scandinavian study that found the risk for violent behavior increases with intoxication, but only among individuals who are prone to suppressing their feelings of anger while they are sober.
- Testing people who reported that they were prone to burying their angry feelings, researchers observed a 5 percent increase in violent behavior that followed a 10 percent increase in drinking to the point of getting drunk.
- People who didn't work their anger out were more likely to get drunk, and that state of drunkenness was connected to a rise in the chance of engaging in violent behavior.
- People who did not suppress their angry feelings but expressed them non-abusively did not show a similar association!

# SOCIAL AND CULTURAL EXPECTANCIES

- Alcohol consumption may promote aggression because people expect it.
- For example, research using real and mock alcoholic beverages shows that people who believe they have consumed alcohol begin to act more aggressively, regardless of which beverage they actually consumed.
- In addition, a person who intends to engage in a violent act may drink to bolster his or her courage or in hopes of evading punishment or censure.
- The motive of drinking to avoid censure is encouraged by the popular view of intoxication as a "time-out," during which one is not subject to the same rules of conduct as when sober (I need a Volunteer )