NYU Center on Violence and Recovery

Restorative Justice and Domestic Violence Crimes: The Circles of Peace Model (Practice, Policy, and Research)

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Overview

- Background
- Applying Restorative Justice Principles and Practices to Domestic Violence
- Circles of Peace a Restorative Justice Evidenced-informed Approach
- Lessons Learned

Background

NYU Center on Violence and Recovery (CVR)

- A research center dedicated to advancing knowledge on the causes and consequences of violence and trauma and developing solutions that foster healing among individuals, families, and communities.
- To achieve our mission, we:
  - Innovate
    - Develop cutting edge solutions to promote healing and transformation.
  - Study
    - Conduct research on critical issues related to trauma and restoration
  - Educate
    - Offer trainings, workshops, and lectures on topics related to trauma and healing.
- Collaborators: judges, prosecutors, defense attorneys, treatment providers, victim advocates, and community members

Terminology

- "**Domestic violence**" includes violence or abuse by one adult person against another in a domestic context. This includes violence between spouses, but also can include abuse between adult children and parents, violence between adult siblings, elder abuse and other forms of violence between adult family members or simply those who live in the same dwelling (e.g., roommates).
- "**Intimate partner violence**" encompasses violence that occurs specifically between current or former spouses or romantic partners. Intimate partner violence includes violence in the LGBTQ community.
- **"Family violence**" describes the abuse that takes place between other adult family members in a domestic context, such as between adult siblings, or between adult children and their parents.
- **Domestic violence,** as a term, therefore many times includes both family violence and intimate partner violence and is often used in a "catch all" manner.
- **Offender/victim –** person who has caused harm/person who has been harmed

Applying Restorative Justice Principles (RJ) and Practices to Domestic Violence (DV)

Types of RJ Approaches

- **Victim-offender mediation or dialogue –** involves the harmed person, the person who caused harm, and a facilitator/mediator
- **Family group conferencing –** involves the person who caused harm, the person who caused harm's family or supporters, facilitator, and sometimes the harm person or the harm person's representative
- **Peacemaking circle –** involves the person who caused harm, the harmed person, family or supporters, facilitator, and sometimes community representative

RJ Programs and the Criminal Justice System

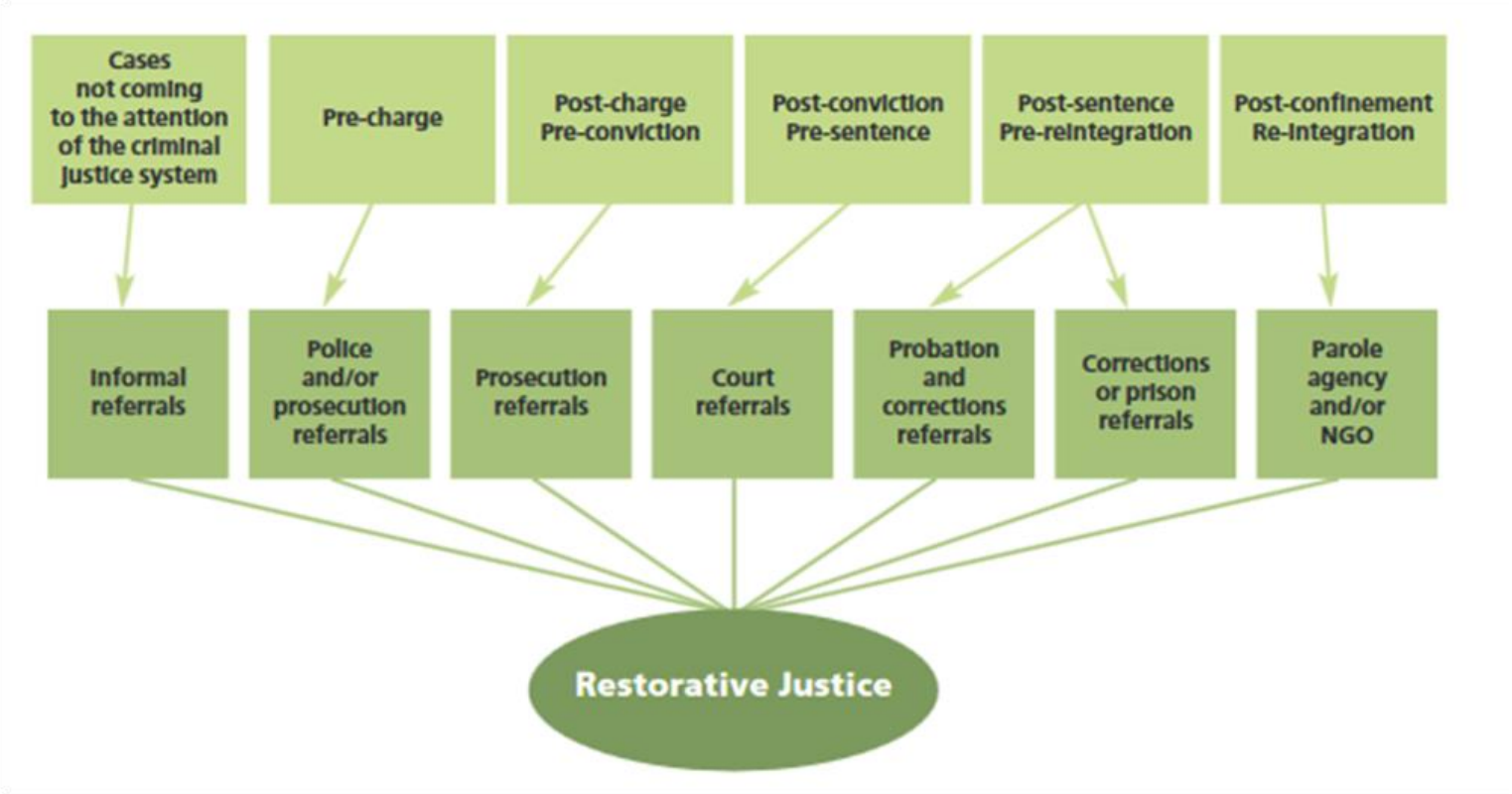

Image source: Dandurand, Y. and Griffiths, C.T., 2006. Handbook on restorative justice programmes. [Online]. United Nations Publications. Available at: https://www.unodc.org/pdf/criminal_justice/Handbook_on_Restorative_Justice_Programmes.pdf

DV: The Big Picture

- DV is in every country, every community, every village and neighborhood
- DV is linked to many of the larger social issues we face today
- More than half of mass shootings are *or are linked to* domestic violence
- Domestic violence is a leading cause of homelessness in this country

"In every case, literally, whether it's parental, violence against Mom or physical abuse with a kid," she said, perpetrators' personal histories directly influence their shootings. "The worse the crime, the worse the story." - Jillian Peterson and James Densley

Family Violence ←→ Intimate Partner Violence

- Domestic violence is commonly passed on from one generation to another

  (Askeland et el., 2010; Ehrensaft et al., 2003; Straus et al., 1980; Straus, 1999)

- Children who witness abuse between adults or experience violence directly learn the same behavior

  (Dargis & Koenigs, 2017; Ehrensaft et al., 2003; Finkelhor & Dziuba-Leatherman, 1994; Straus et al., 1980; Straus, 1999)

- Men who experienced or observed violence in their families of origin were two to nine times more likely to become violent against their wives

  (Roberts et al, 2010; Straus, 1999; Whitfield, Anda, Dube & Felitti, 2003)

DV in the United States

- The United States prides itself on leading the way in formulating theories, court practices, and treatments to combat domestic violence
- Despite these efforts, domestic violence remains widespread

What is the typical response to DV in the United States?

- Most misdemeanor DV offenders are court-mandated to attend a Domestic Violence Intervention Programs, traditionally known as Batterer's Intervention Program (BIPs)
  - Sometimes after time spent in jail or prison, but many times in lieu of it
  - Because of concerns over escalating violence, many "minor" offenders are referred to these programs
  - Popular models being the Duluth-model, Emerge, and Amend
- Every state has different legal definitions of DV, regulating bodies for offender treatment programs, minimum treatment lengths, facilitator education and training requirements, standards for programs, certifications, etc.

Batterer Intervention Programs (BIPs)

- **2,500** BIPs in the US (Boal & Mankowski, 2014)
  - Proliferated following the passage of mandatory arrest laws
- Many of these BIPs have adopted "Duluth-model" characteristics:
  - Assume abusive men are equally socialized
  - Didactic, psycho-educational curriculum
  - Guided by a "feminist" perspective
  - Focus on changing sexist attitudes for the purpose of altering behavior
  - Focus on holding men accountable for the abuse
- In one national survey of BIP's, 93% of programs surveyed described themselves as Duluth-model oriented

(Price and Rosenbaum, 2009)

…but do they work?

- Although early evaluations suggested that BIPs reduced battering, recent evaluations based on more rigorous designs find little or no reduction

  (Jackson et al., 2003)

- "There is little effectiveness evidence that would favor one type of traditional intervention over another."

- This is in contrast to the "efforts and assumptions that appear to exist among state anti-domestic violence coalitions that would restrict the types of BIPs eligible for state certification"

  (Eckhardt et. al, 2013)

- More recently, there is new evidence to suggest that combining BIPs with other treatment elements can improve overall effectiveness

  (For example, Lila, Gracia, & Catalá-Miñana, 2018; Romero-Martinez et al., 2018)

Taking Stock of DV Interventions – What were we looking for?

An approach that

- addresses **one-directional/two-directional/family violence**
- does **not re-privatize violence**
- could be adapted to **multiple cultures and family arrangements**
- provides **voluntary** participation by the victim
- recognizes that **co-habitation continues**, **children are involved** and some victims **want** to **separate safely** with support
- **monitors safety** in new ways
- could interrupt **destructive intergenerational patterns**
- is effective, **evidence-based**, adaptable to the needs of **local jurisdictions**

Why Restorative Justice (RJ)?

RJ recognizes that

- crime/violence is a **violation of people**
- violations create **obligations**
- obligation is to **put things right**
- **change is possible**

Could we apply these tenets to DV crimes?

The Circles of Peace Model: A Restorative Justice Evidenced-informed Approach

Developing the model

- In 2003, Linda G. Mills' *Insult to Injury* proposes the use of restorative justice for domestic violence
- In 2004, NYU's Center on Violence and Recovery invites experts in restorative justice (including John Braithwaite) and domestic violence to New York for a roundtable to discuss using restorative approaches for domestic violence
- Two models are put forth:
  - Circles of Peace — connected to the criminal justice system
  - Healing Circles — **not** connected to the criminal justice system

Circles of Peace (CP) Model

CP is the first program of its kind in the United States to use RJ principles to treat those arrested for DV crimes.

Bring **individuals who have been abusive** and the **victim (if they choose to participate)** together with **willing family members, support persons**, a **trained professional facilitator** and **CP-trained community volunteers**, to **monitor safety** in order to seek a **more effective treatment outcome**.

Circles of Peace

- encourage dialogue about the current and previous incident(s)
- uncover gender dynamics and family history
- create longer term change

Circles of Peace (CP) Model

Continued

- Foster individual problem-solving/empowerment/ community engagement
- Tailor safety planning/healing/rehabilitation to the cultural, religious, and socioeconomic needs of all involved
- Re-label those who are mandated to treatment as "Responsible Person" (Victims = "Persons Harmed") upon acceptance to CP
- Monitor behaviors through the use of a Social Compact
  - Offenders are accountable to promises made
  - Engage other circle members in the treatment process by committing them to supportive activities and improved family/relationship dynamics

CP for DV: Brief History

- In 2004, Judge Maley adopts CP model in AZ with community input
  - National Science Foundation (NSF) approves the first randomized controlled study comparing CP and Batterer Intervention Program (BIP) in Nogales, AZ
- In 2010, NSF approves a replication study comparing CP hybrid program with BIP in Salt Lake City, UT
  - In 2012, National Institute of Justice (NIJ) approves qualitative study to complement NSF research
- In 2019, VT State's Attorney develops a one-year CP pilot program
  - CVR awarded a University Research grant to study VT program
- In 2020, the US Attorney's Office for the District of Columbia expresses their interest in the CP model
  - CVR is developing a CP program for DC with local partners

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Overview of Circles of Peace Development and Implementation Process

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Intake

- Community needs assessment
- Program match verification

Springboard

- An initial meeting/training with local stakeholders

Development

- Co-creating an RJ evidenced-informed program built through modification based on local needs and state standards
- Community-centered model

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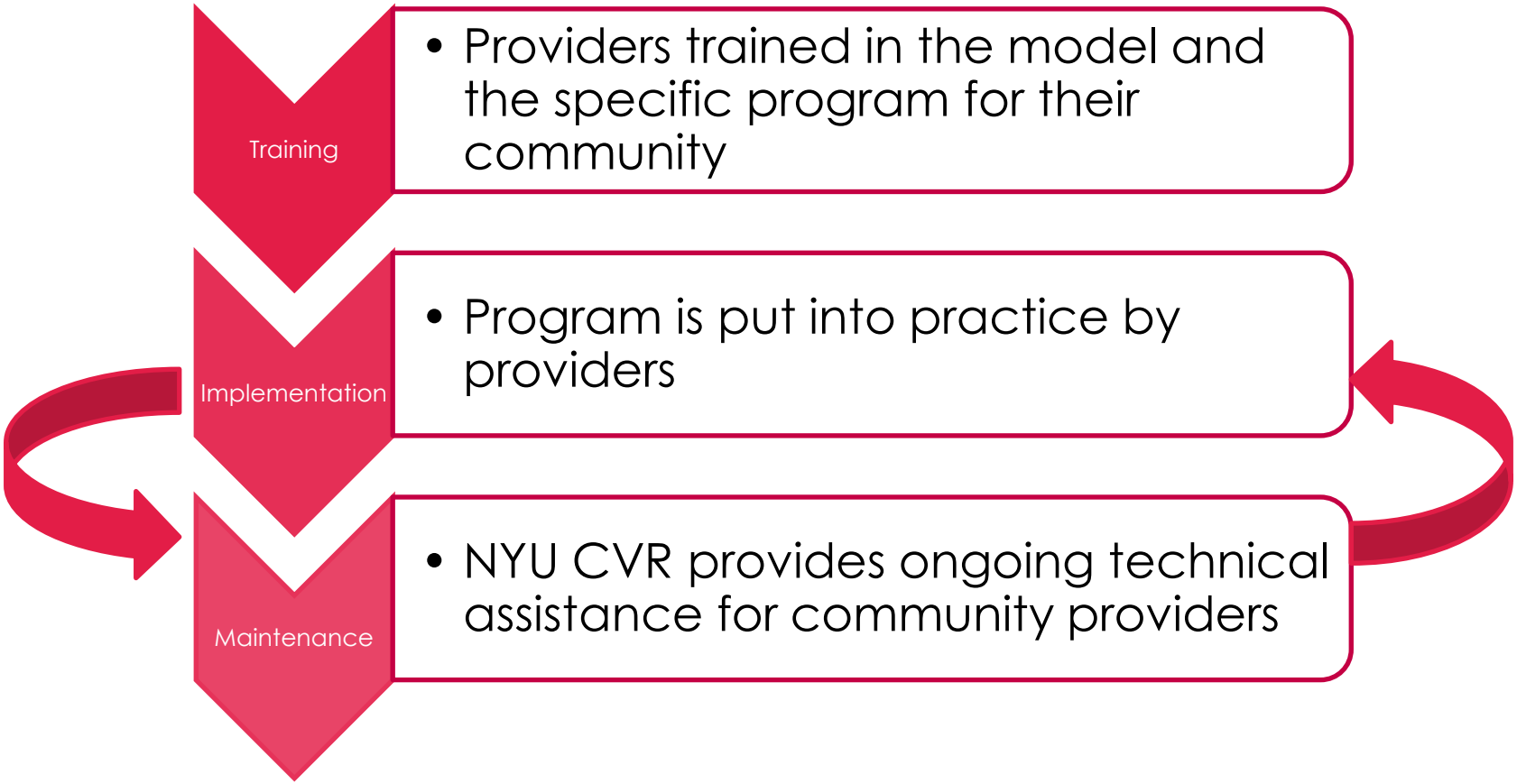

CP Programs – An Overview

AZ

- Circles of Peace-only (26 weeks – DV treatment provider)

UT

- Hybrid – BIP plus Circles of Peace (12 weeks of BIP followed by 4-6 weeks of Circles – DV treatment provider)

VT

- Offender – up to 4 Offenders (6 circles + 2 maintenance circles at 18 weeks/26 weeks – RJ treatment provider)
- Conjoint Circle allowed if the offender has completed 3 offender-only Circles
- Victim-only Circle if requested

DC

- Circles of Peace – 18 weeks (2 community circles, 10 educational circles, and 6 joint circles)

"Take nothing on its looks; take everything on evidence; there's no better rule."

- Charles Dickens
Great Expectations

NSF Study in AZ

- Randomized all DV offenders (N=152/intimate partner/family violence) into either a BIP-only program (26 weeks total) or a CP-only program (26 weeks total)
- This study provides evidence that **RJ can be a viable and safe option for DV crimes**
- Findings suggest that offender participation in **RJ does not automatically pose a security risk per se and debunks the claim that RJ is more dangerous than BIP in treating DV crimes**

Mills, L.G., Barocas, B., & Ariel, B. (2013). The next generation of Court-Mandated Domestic Violence Treatment: A randomized controlled trial of restorative justice. *Journal of Experimental Criminology,* 9(1), 65-90.

NSF/NIJ Studies in UT

NSF Part I

Randomized all DV offenders (N=222 intimate partner/family/roommate violence) into either a BIP-only program (18 weeks) or BIP (12 weeks) plus CP (6 weeks) program

NSF Part II

Randomized DV offenders (N=274 intimate partner violence) into BIP-only (16 weeks) or BIP (12 weeks) plus CP (4 weeks)

NIJ

Qualitative data collection to complement NSF Part II including interviews, observations, and a review of case records

Utah – Results (so far)

NSF Part I

- **BIP plus CP results in significant reductions in new arrests (53%)** and **severity (52%)**
- BIP plus CP is more effective than a BIP-only approach
- **RJ is a viable treatment option for DV crimes**

Mills, L.G., Barocas, B., Butters, R.P., & Ariel, B. (2019). A randomized controlled trial of restorative justice-informed treatment for domestic violence crimes. *Nature: Human Behaviour.* DOI: s41562-019-0724-1.

NIJ

- This qualitative study highlights **the promise of this model, the desire to participate in treatment together**, and **the importance of the victim's perspective in the treatment process**

Mills, L. G., & Barocas, B. (2018). *An In-depth Examination of Batterer Intervention and Alternative Treatment Approaches for Domestic Violence Offenders*. U.S. Department of Justice

AZ and UT Victim/Victim Advocate Participation

Significantly, victims who participate in RJ programs tend to regularly report much higher levels of satisfaction with the process (Umbreit et al., 2006)

Victim participation rates in our NSF studies:

- Nogales, AZ – (IPV/Family Violence) – 62%
- Salt Lake City, UT – (IPV/Family Violence/Roommates) – 42%
- Salt Lake City, UT – (IPV-only) – 67%

Victim advocates can represent the victim voice if victim chooses not to participate

Victim safety is paramount and safety concerns are continually assessed and addressed as part of the RJ process

Victim's Desire to Participate

*"…**I wish I would've had the opportunity to actually do the treatment,** you know? …I'm kind of disappointed because I really think it may have helped..."*

(Female Victim)

Fosters True Change

"You know how it is, when you're talking, you'll say something and you don't really know how the other person took it and so you know when that happens to me, I just ignore it because I know she didn't mean it. ...Same thing with her. ***It just bounces off now and we move on,*** *so I think both of us kind of want this to just be in the past and, and kind of let it go. And so we're just...it's not starting over, that's impossible,...****but it is moving on from here. And I know I had a choice of how I would handle that moving on.*** *I could keep blaming...And it would have fallen into the same thing but it's not like that at all anymore"*

(Male Offender, BIP+CP)

Possibility of Continued Conjoint Treatment

"I'd say [the victim] probably gained as much if not more out of the Circle…because I think that there was a lot of good things that she hadn't really been thinking about either. Like I'd tell her what I gained, what I'd learned in my groups for the first 12 weeks but having her actually involved I think was really big for her, and in return that makes things better for me. I think we gained something out of it…if we can find it affordably, just thinking counseling or just talking to someone, having a third party, is just a good thing for us in general."

(Male Offender, BIP+CP)

Allows the Victim Perspective to be Included

"The victim was able to participate in this final session and she was able to provide feedback, context and her perspective to the process…We focused primarily on summarizing the skills/concepts from all of the sessions which included the following: what boundaries/expectations look like for him and for his potential partners or anyone in his life, what enforcement of his boundaries/expectations can look like, how he can communicate his wants/needs/emotions/thoughts to others in an effective way, his ex-partner was able to provide her feedback on his summary of what he has learned in treatment."

(From clinician's session notes, BIP+CP)

Lessons Learned

Circles of Peace: Strengths

- Addresses the broad range of cases coming into contact with the criminal justice system
- Intensive process
  - Many circles over time
- Victim participation is voluntary
  - Use of Victim Advocates
- Trained Community Volunteers
- Adaptability
  - Clinicians
  - Non-clinicians
  - Various system partners
- Evidence-informed approach

Circles of Peace: Lessons Learned

- Intervention programs for DV crimes is an area primed for innovation
  - Punitive responses to DV crimes are generally ineffective
  - Interest in the use of RJ/CP is increasing
- A great strength of the RJ/CP model is its *adaptability* to diverse community needs, values, and cultural contexts as well as state standards
  - Community based/led participation is critical
- Research reinforces that RJ is a compelling alternative to addressing DV crimes and repairing harm
  - CP is now an evidenced-informed approach to DV crimes

Circles of Peace: Looking Forward

- Virtual convening of partners from across the country
- Knowledge sharing
- Moving forward
  - DC program (community circles, educational circles, and joint circles)
  - A program to address family violence with juvenile offenders

Presenting Circles of Peace as a Response to DV

- CVR partners with organizations or individuals searching for ***more effective responses*** to domestic violence.
- Undertake education in the spirit of *openness* and ***flexibility***, listening, and addressing concerns, and supporting our approach with the best available evidence and research.
- A great strength of the model is its ***adaptability*** to each community's needs, values, and cultural contexts. Each partner community builds its unique program with our support.
- In all our education efforts, we take care to address the ***safety*** mechanisms of the Circle and to thoroughly hear and tackle concerns.
- We also try to *manage* ***expectations*** *and* are clear that although we have found Circles to be a transformative, useful process for individuals, families, and communities, it does not always end all conflict, it is not appropriate for every situation, and it certainly does not solve every problem. Circles are, however, an ***evidence-informed*** *tool* for working with individuals and families who have experienced domestic violence.

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