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Strengthening Offender Accountability & Intervention in Rural and Tribal Communities

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Center for Court Innovation

Gender and Family Justice | Our Mission

We help courts and communities respond creatively, holistically, and effectively to domestic violence, sexual assault, stalking, and dating violence.

Court and Community Collaboration

Judicial Leadership

Survivor Safety and Well-Being

Access to Justice

Offender Engagement and Accountability

Trauma Informed Responses

Our Team

Civil Legal
Attorneys

Policy
Developers

Victim
Advocates

Social
Workers



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Webinar Overview

- ✓ Guiding principles for domestic violence offender accountability and intervention
- ✓ What this looks like in rural communities
- ✓ What this looks like in tribal communities
- ✓ Suggested practices for strengthening offender accountability / intervention

Discussion Question

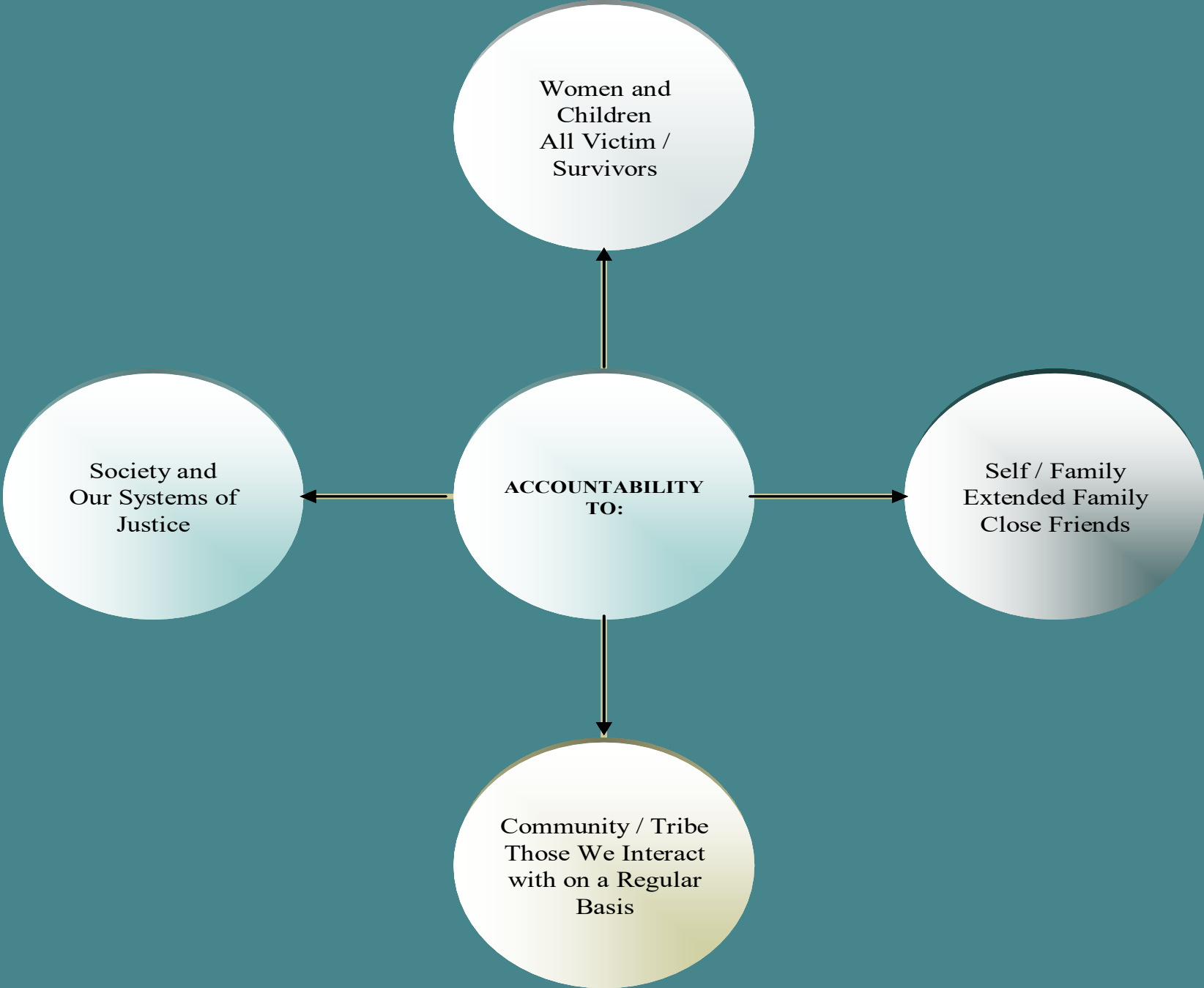
What does it mean to be personally accountable?

Personal Accountability

- ▶ Stop the behavior.
- ▶ Seek out new education alternatives.
- ▶ Become honest (not just truthful) with self and others.
- ▶ Acknowledge past abusive, controlling and/or violent behavior and language.
- ▶ Talk openly about the effects of the behavior on others as well as effects on current communication, relationships and the community.

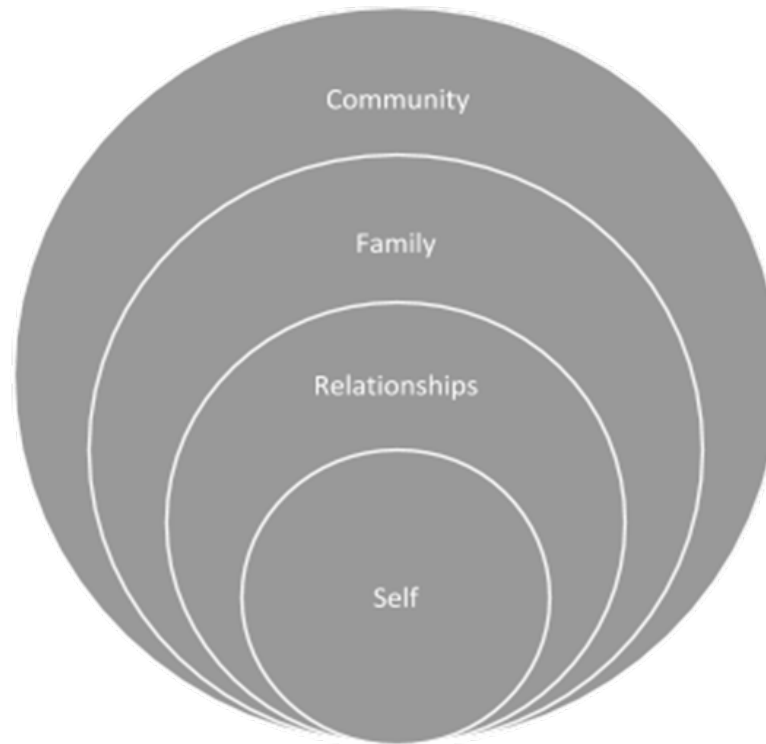
Personal Accountability

- ▶ Acknowledge the privilege you may hold and learn how it guides your choices and impacts others.
- ▶ Be willing to accept others' (women and children) anger as it relates to your behavior and the choices you have made.
- ▶ Be willing to listen to others on how your behavior has affected them and how they experience you.
- ▶ Commit yourself to long term change.



Relational Accountability

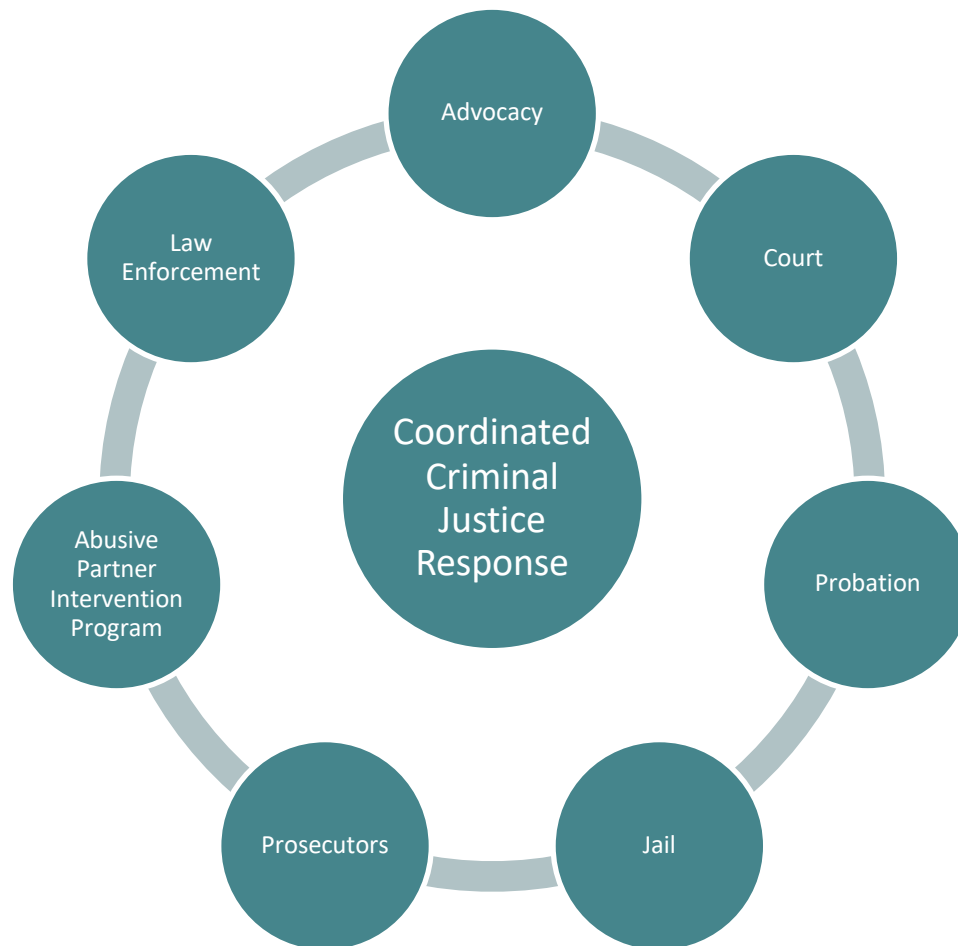
Creating relational pathways to responsibility, healing and hope for one's self, others and one's community



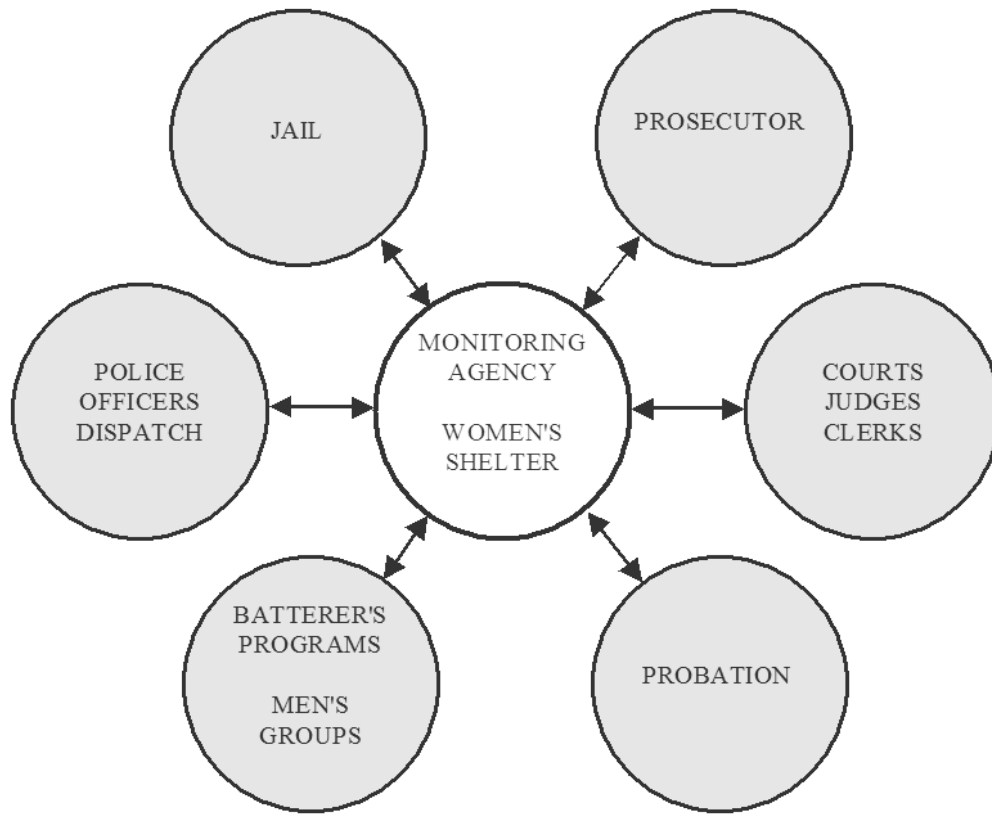
Guiding Principles in Abusive Partner Intervention & Engagement

- ▶ Accountability is active and relational
- ▶ Survivor voices and safety are centered
- ▶ Restores hope and dignity
- ▶ Reflects and values culture and community
- ▶ Responsive to needs and strengths

System & Offender Accountability



A Coordinated Community Response (CCR) in Criminal Justice is:



- ▶ Each agency develops a role within this collaboration, providing a consistent response from law enforcement, prosecutors, judges, probation and service providers.
- ▶ Generally, there is a community-based group outside of the legal system doing the monitoring.

Abusive Partner Intervention & Engagement: What is Happening Nationally?

- ▶ National movement towards Risk-Needs-Responsivity
- ▶ Research on impact of ACES and HOPE
- ▶ Movement for justice reform/reducing mass-incarceration
- ▶ Focus on intersectionality and centering voices from the margins
- ▶ Shift in research from recidivism to victim safety and autonomy

Case Scenario: “John”

John has been convicted of domestic assault, must complete an APIP, abstain from alcohol, no further acts of domestic violence, and comply with an alcohol and drug treatment case plan but he misses classes because of work and is allowed to get credit for the classes by reading and writing about a non-violence book. His partner Linda found out John’s mother does the assignment for him. Linda tells the advocate, who relays this info to the facilitator.

- ▶ What should the facilitator do?
- ▶ What are the safety concerns (if any)?
- ▶ What is the advocate’s role in this scenario?
- ▶ What is the facilitator’s role?
- ▶ How do you balance group participant accountability & women’s safety?

Case Scenario: “Don”

Don has a history of violence against his wife Rachael. The Protection Order allows him to stay in the house with no other acts of violence but she is thinking of dropping it because Don appears to be making progress. Then he assaults her before group one night. Don returns home and says he’s supposed to take a time-out when he gets angry and asks Rachael if she agrees but she is too afraid to be honest and now is certain Don won’t change. Rachel calls an advocate and they bring the issues to the APIP Coordinator. The coordinator shares the info at the CCR meeting and questions Don in group. Don states he has not used time-outs inappropriately or committed any further acts of violence.

- ▶ What would be appropriate and inappropriate information-sharing in terms of safety & accountability?
- ▶ With which CCR partners should the information be shared?
- ▶ How might program policy and procedures either uphold or compromise women’s safety in this scenario? How might they uphold or compromise offender accountability?

Collusion

“The only thing necessary for the triumph of evil is for good men to do nothing.”

Edmond Burke

Collusion

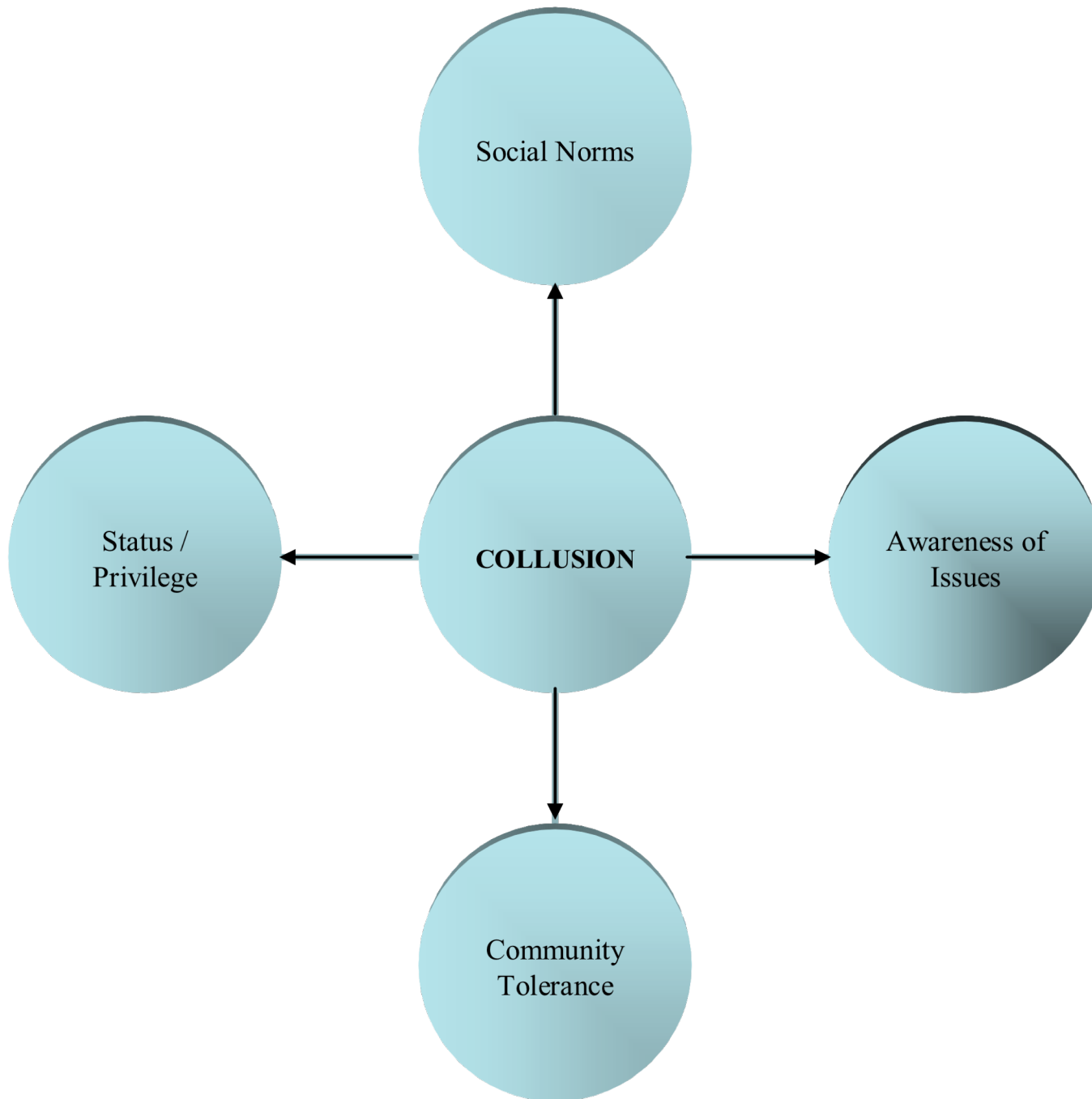
- ▶ Collusion is any act that supports bad, deceitful, or illegal behavior.
- ▶ In the context of domestic violence, collusion is any act that discounts, condones, or ignores any of the tactics abusive partners use to maintain power and control over their partner.
- ▶ Collusion leads to further alienation. It deepens isolation, particularly in rural, tribal and other smaller or closed communities.

Collusion

- ▶ Collusion makes the abusive partner more powerful by reinforcing his use of abusive and violent tactics.
- ▶ The abusive partner is able to enlist other people and systems to assist him in controlling his partner.
- ▶ The result is the elimination of support and safe resources for victims of abuse and their children while creating more barriers for them.

Collusion

- ▶ The results of collusion are increased danger to the victim/survivor, children, family and friends.
- ▶ Collusion means the victim must now protect herself, her children and relatives from the abusive partner as well as those that collude with him.
- ▶ In effect, those that collude re-victimize the victim and children.



Collusion

- ▶ Increasing arrests and implementing an Abusive Partner Intervention Program (APIP) when there are not strong advocacy and shelter services in place will only increase the level of dangerousness.
- ▶ Recent data indicates that the most effective change occurs when there is a coordination of efforts and response and a shared philosophical perspective on the issue by community stakeholders.

Professional Accountability

What does it mean to be an ally to advocacy?

Being Accountable

- ▶ It is the responsibility of the criminal justice system to deliver legal sanctions for actions which violate its laws or codes and harm our relatives and/or community, and to encourage repairing the harm, where possible.
- ▶ It is the community's responsibility to promote change in the way domestic violence is viewed (and tolerated), and to facilitate and support individual and community healing and safety.

Professional Accountability

- ▶ Know that what affects one member of the community affects the whole community, and effects can pass down through generations.
- ▶ Respect the voices, work and expertise of victim/survivor advocates and enlist their feedback about your work, program and facilitation.
- ▶ Be able to hear and accept women's collective and/or individual anger and concern re. sexism and gender-based violence.
- ▶ Accept that 85% of violence towards women, men, children and animals is perpetrated by men, and realize that at some level, all men both benefit from and are negatively impacted by this behavior, even if we are working towards its elimination.
- ▶ Work towards building a trusting relationship with local victim advocacy programs.

Professional Accountability

- ▶ Encourage agencies to develop a common language and philosophy.
- ▶ Work towards the establishment of protocols, practices, codes and procedures that centralize victim/survivor safety and autonomy first and accountability for offenders second.
 - Example: (group rules) You will agree to not encourage the use of the courts, social services, law enforcement for the purpose of retaliation.
- ▶ Don't compete for funding which could be used for victim services. When appropriate, find ways to collaborate or cooperate for funding, if this will advance their efforts.
- ▶ Attend and support your victim advocacy program's events, trainings (when appropriate) and efforts to raise money.

Professional Accountability

- ▶ Write letters of support for survivor-centered orgs. including exactly how you will support their efforts.
- ▶ Insist that APIP staff be current with child support / spousal maintenance agreements.
- ▶ Acknowledge that no matter how well a participant does in your program, this is not a guarantee that they will not use abusive, aggressive and or violent behaviors in the future.
- ▶ Never lobby for increased contact/visitation with (ex) partners and/or children.

Professional Accountability

- ▶ Understand the likelihood of offenders switching tactics, using threats and misusing information from the class to gain / maintain control.
- ▶ Never directly use information from or about participant's (ex)partners in the class or share it with participants. Remember – survivor safety, autonomy and confidentiality are the 1st priorities.
- ▶ Model the same behavior in your private, personal and political lives that you are encouraging in your program.
- ▶ Be open to and seek feedback about your facilitation style and skills and your own behavior.

Professional Accountability

- ▶ Participate in interagency efforts to hold abusive partners accountable for violent or abusive behavior and for failure to complete their programs.
- ▶ Whenever possible, co-facilitate with women and allow the voices of survivors to guide your program.
- ▶ Stay focused on violence, abuse, control and personal accountability.
- ▶ Explore and challenge the belief systems that support violent / abusive behavior, and promote a language of personal accountability.
- ▶ Maintain a group that is both challenging and not colluding.

The Experiences of Rural Communities

Discussion Question

What characteristics of rural communities can strengthen offender accountability and intervention?

Barriers in Rural Communities

- ▶ Physical distance, lack of transportation, isolation
- ▶ Practitioners may have to be generalists
- ▶ Lack of intervention resources, espec. specialized
- ▶ High rates of firearms access / ownership
- ▶ Everyone knows everyone!
 - Concerns re. privacy and confidentiality
 - Bias in systems response due to relationships and politics

Offender Accountability and Intervention in Rural Communities

Suggested Rural Practices

- ▶ Create rural-specific CCR
- ▶ Enforce clear policies re. confidentiality
- ▶ Vigilance in identifying and removing firearms and ammunition
- ▶ Address transportation / financial needs
- ▶ Utilize healthy community norms and relationships to support behavior change
- ▶ Provide AIPs via videoconferencing

Advantages of Videoconference AIPs

- ▶ Men and facilitators can log in from anywhere → Fewer absences by everyone
- ▶ Eliminates barriers re. physical distance / travel, mild illness and weather
- ▶ Allows for access to specialized programs
- ▶ More communication with men in-between group sessions
- ▶ Everything is documented in writing
- ▶ Smaller group size

Disadvantages of Video APIPs

- ▶ Smaller groups – requires more agency capacity
- ▶ Men could be drinking alcohol / taking drugs during or prior to group
- ▶ Harder to do small group work
- ▶ Video and audio can have delay, connection issues
- ▶ Data security and privacy
- ▶ Men who do not have internet at home have to find a private place to participate
- ▶ Men who do not have a computer or iPad cannot participate

In-Person vs. Videoconference Groups - REFERRALS

- Criminal court referrals from judges and probation
- Sought referrals from MN, ME, and TX but initially only MN was approved
- Now receive referrals from MN and a few other states
- Developed fillable form for referral agency and participant to complete → Email form back and intake is scheduled
- All communication done by e-mail

In-Person vs. Videoconference Groups - INTAKE

- ▶ Intake Interview done individually to assess readiness for group – personally and ease with technology
- ▶ Conduct demonstration of GoToMeeting framework
- ▶ Reiterate NO use of cell phones or cellular network
- ▶ Review rules and technology requirements
- ▶ Make contact with local victim services agency and victim of offender

In-Person vs. Videoconference Groups – GROUP PROCESS

- The Duluth Model’s curriculum “Creating a Process of Change for Men Who Batter”
- Co-facilitation by man and woman
- “Share Screen” function for use of whiteboard
- Conversation is documented by facilitator
- End with reflection question → Send via email and have men answer by start of next group session

The Experiences of Rural Communities

Discussion Question

What are some of the unique dynamics of offender accountability and intervention in tribal communities?

Pre-Colonization

Historical Role of
Women

Balance and Respect
Between Genders

Responsibility of
Family and
Community

Cultural Means to
Address Issues –
Practice-Based
Evidence vs Evidence-
Based Practice

Historical Trauma & Boarding Schools

- ▶ From the 1870s through 1930s, many Native children were forced into schools to be “civilized” and eradicate all traces of Native culture.
- ▶ Punishment was severe for speaking Native languages or practicing traditions and customs. They were forced to speak English and practice Christianity.
- ▶ The Meriam Report, a major investigation into Indian affairs published in 1928, confirmed the complaints Indian families and students had been making for years.

Boarding Schools



Boarding Schools



Before



After



Dominant Culture Perspectives vs. Tribal Principles of Relationship

Dominant Culture

- ▶ European, patriarchal
- ▶ Native customs & ceremonies outlawed
- ▶ Divided tribal lands
- ▶ Boarding school era
- ▶ Stripped of name, clothing, family, kinship, traditions, practices, language, and other characteristics of culture

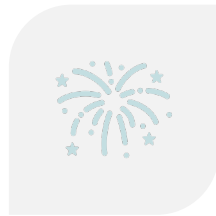
Native Cultures

- ▶ Matriarchal
- ▶ Coming of age – Female & Tribal Women's Societies
- ▶ Loss of kinship ties
- ▶ Servitude vs. leadership
- ▶ Destruction of cultural identity and loss of tribal values; family, education, relatives, spirituality, value

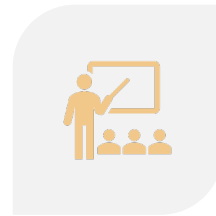
It Starts with Trauma:



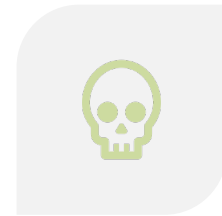
A DIRECT, PERSONAL
EXPERIENCE OF AN EVENT



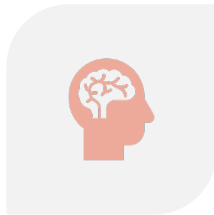
WITNESSING AN EVENT



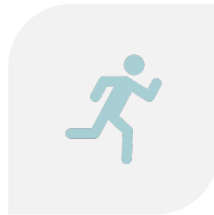
LEARNING ABOUT AN EVENT



BEING THREATENED WITH
DEATH



EXPERIENCING SERIOUS
INJURY OF SELF



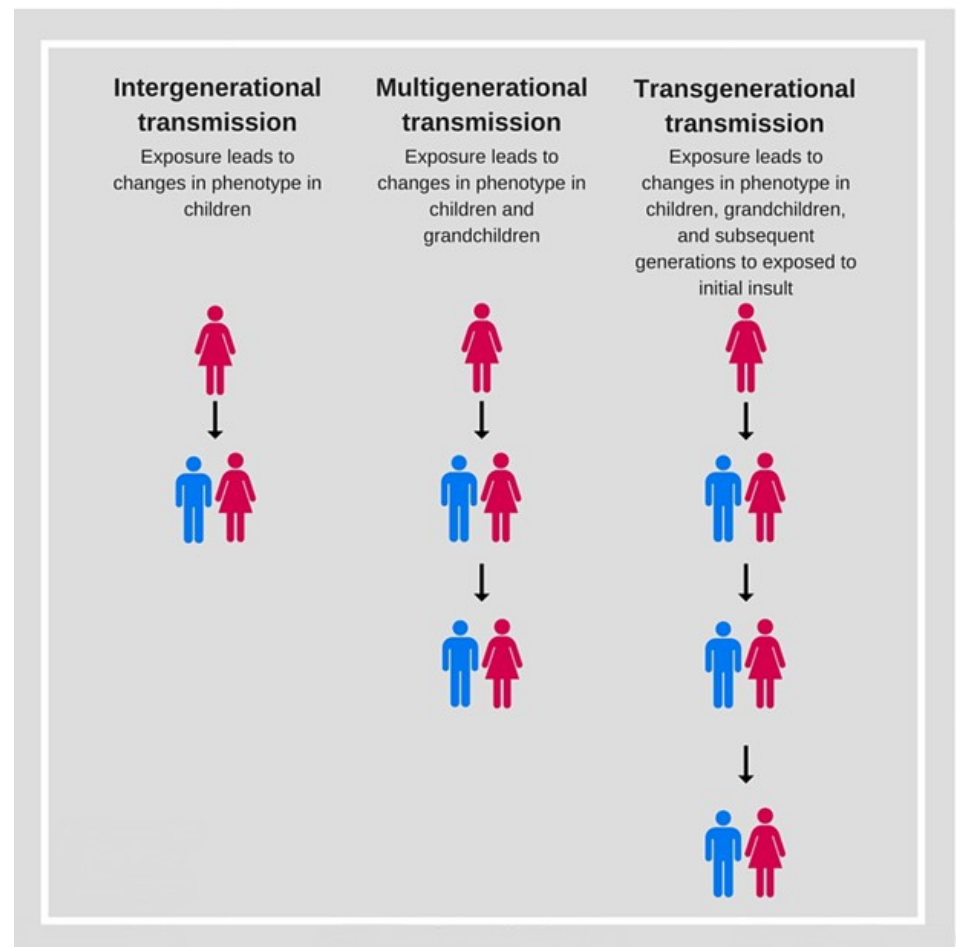
EXPERIENCING THREAT TO
ONE'S PHYSICAL INTEGRITY



THE DEATH, THREAT OF
DEATH, SERIOUS INJURY,
THREAT TO PHYSICAL INJURY
OF ANOTHER

Trickle Down Effects

- ▶ The "genotype" is the genetic makeup of an organism, and the phenotype is how genetic and environmental influences come together to create an organism's physical appearance and behavior



Facilitators of Violence



Hierarchy – a social structure where one group is set up to dominate another



Objectification – the process of reducing a person or group to an object



Horizontal Hostility – projecting the violence of oppression onto members of one's own group



No Consequences – no consequence for violence

Internalized Oppression

Internalizing the beliefs and values of the oppressor, or dominant group, in order to feel a sense of power.

Self-worth of the individual and/or group has sunk to a level of self-hatred. This self-hatred can be either internalized or externalized.

When self-hatred is externalized, we encounter a level of violence within the community that is unparalleled in any other group in the country. (Duran and Duran, 29)

History over Pathology

“Behavior was adapted to what was happening at the time, but now it’s become maladaptive. Beatings were supposed to save lives. I can’t tell you why you can’t go outside at night, because people wanted to hang you.”

Sam Simmons

Internalized Oppression

“Stop blaming me for what happened in the past”

“You need to get over it/move on”

“Well, that’s my opinion so let’s agree to disagree”

“But America is one big melting pot”

“But what about black-on-black crime?”

“Why must you always be the victim?”

What's the Impact on Us Today?

| Individual | Family | Community | Society |
|---------------------------------|------------------------|---------------------------------------|------------------|
| (how it affects you personally) | (what my relatives do) | (where we live and what is happening) | (us as a people) |
| | | | |

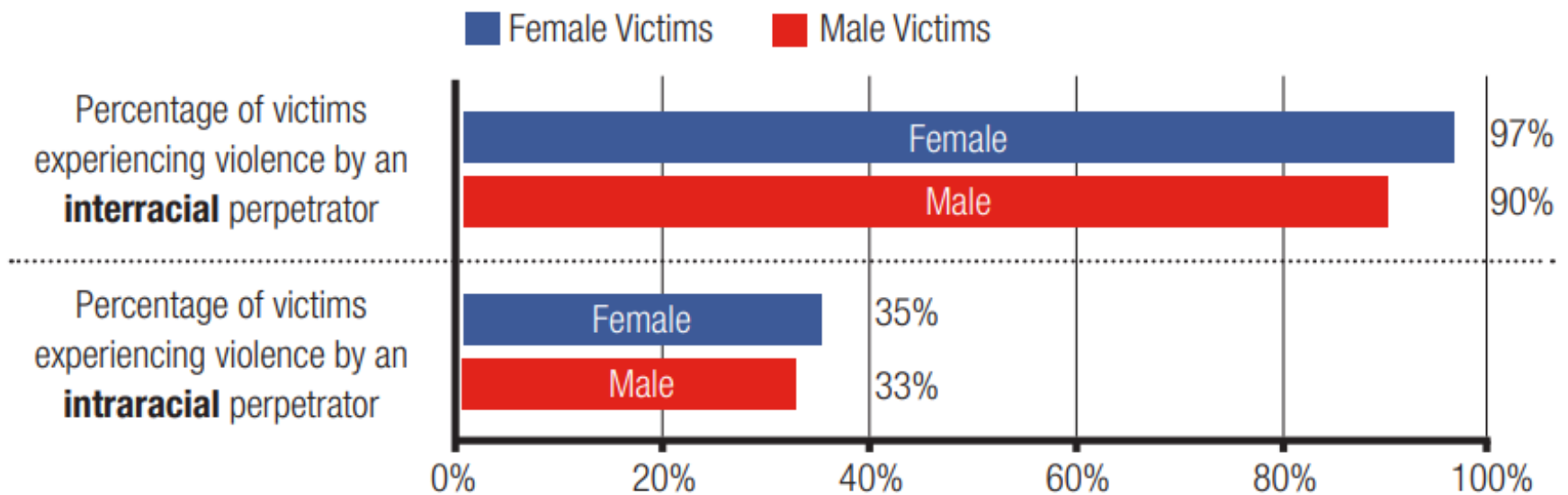
Percentages of American Indian and Alaska Native women and men who have experienced violence in their lifetime



Types of Victimization

| <i>Women</i> | | <i>Men</i> |
|--------------|---|--------------|
| 66.4% | Psychological Aggression by an Intimate Partner | 73.0% |
| 55.5% | Physical Violence by an Intimate Partner | 43.2% |
| 56.1% | Sexual Violence | 27.5% |
| 48.8% | Stalking | 18.6% |

Figure 1: Estimates of Lifetime Interracial and Intra-racial Violence



Notes: Samples are restricted to American Indian and Alaska Native victims of stalking, sexual violence, and psychological aggression and physical violence by intimate partners. Some victims experienced violence by both interracial and intraracial perpetrators.

Offender Accountability and Intervention in Tribal Communities

Issues for Native Communities – Social Norms

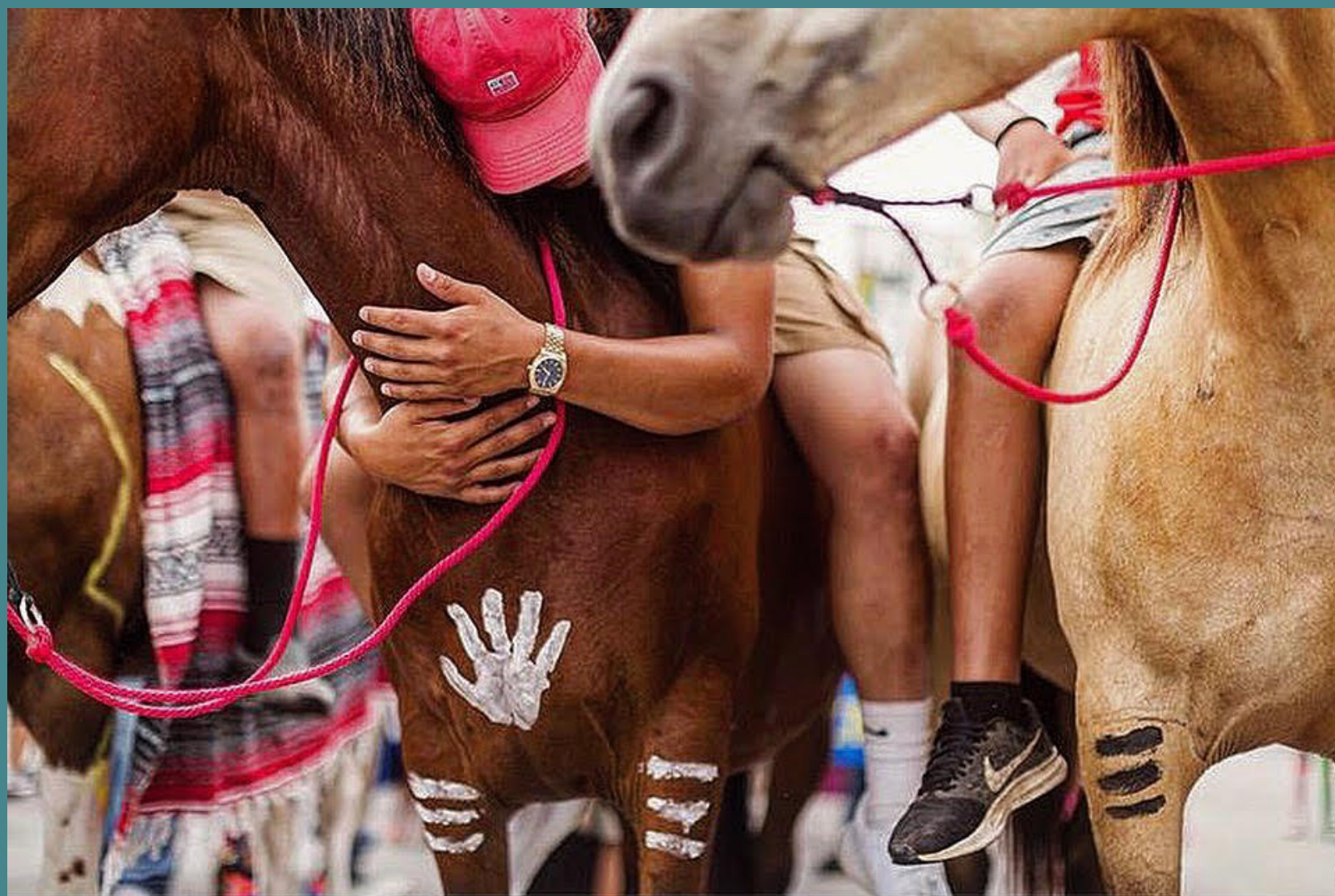
- ▶ Native men think they get a pass because they are men of color – they don't think they have privilege
- ▶ People know each other, have family connections -- police, prosecutors, elected leaders, etc., may not act because they know the family, are related, or face political pressure
- ▶ Watching abusers get honored, people shaking their hand and wrapping blankets around them, conveys acceptability of violence
- ▶ DV programs don't have time for APIP because abusers keep making new victims

Issues for Native Communities – Infrastructure

- ▶ Multiple criminal and civil justice systems may be involved, jurisdictional concerns
- ▶ Resources – from people to dollars
- ▶ Vast distances and rural locations
- ▶ (Lack of) technology access and fluency

Providing Culturally Relevant Services

- ▶ To understand how trauma affects an individual, family, or community, you must first understand that individual's life experiences and cultural background.
- ▶ Culturally-specific program? Or adaptation of a general program?
 - All staff should receive training to ensure they are providing culturally relevant interventions.



Preparing Competent Adults

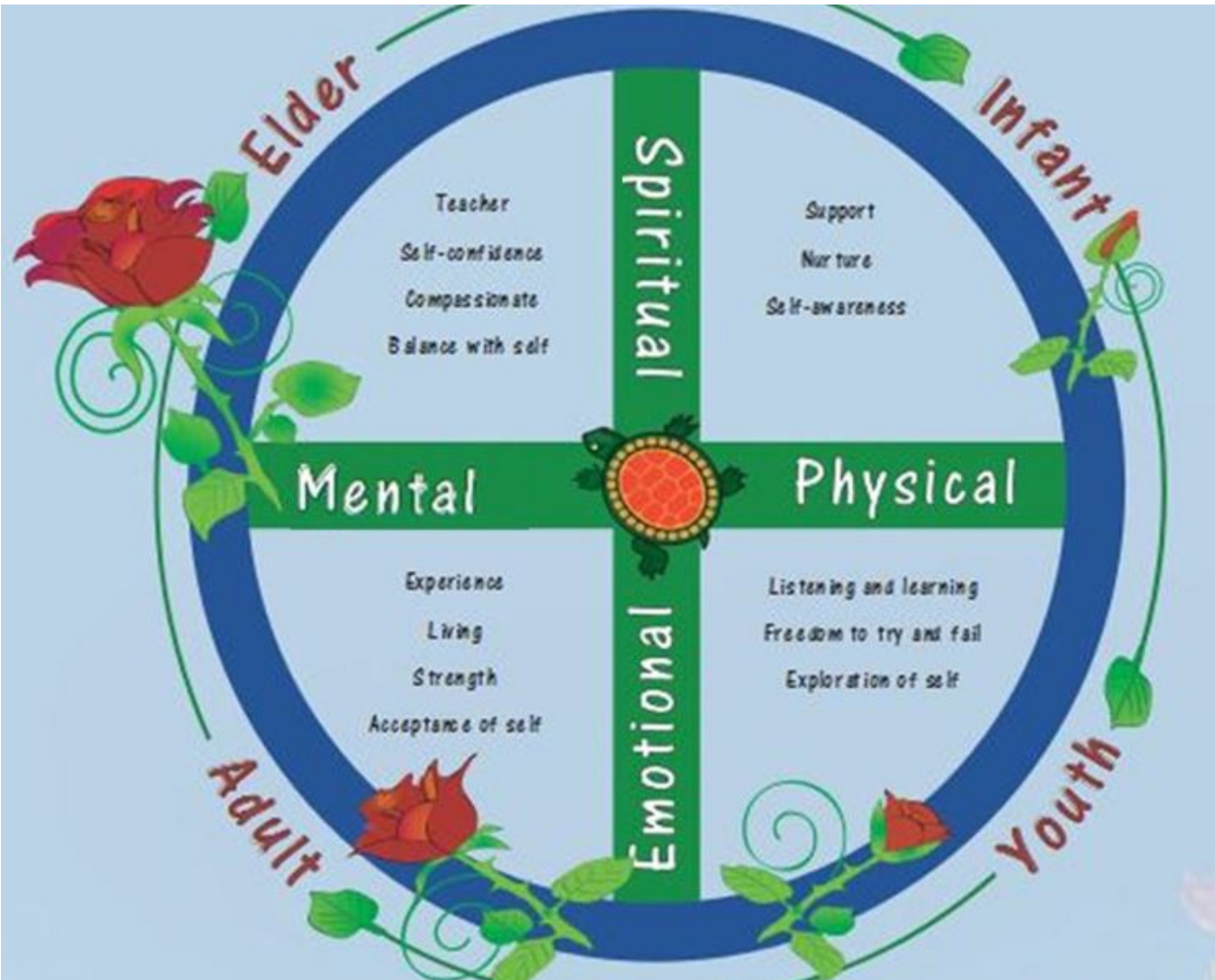


TEAOMAORI.NEWS

"We're not raising children, we're raising elders" - Tribal Canoe Journeys 2019 with Grand Ronde

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- ▶ Self-regulation
- ▶ Mindfulness
- ▶ Gift giving
- ▶ Being in the present moment
- ▶ Reciprocity
- ▶ Visioning and dreaming



Growing a Leader

Abusive Partner Accountability and Engagement Training and Technical Assistance Project Resources

- ▶ Diverse Group of Experts
- ▶ Webinars
- ▶ National Clearinghouse
- ▶ Training Institute
- ▶ On-Site TA and Training

10 Things Courts Should Know About Their Local Intervention Programs for Abusive Partners

Civil and criminal courts often include programming for abusive partners in case dispositions. Probation and child protective services also routinely recommend such programs as part of domestic violence case management mandates. While most states have statutes regulating curriculum, facilitator training, and class length and size, programs vary widely across different jurisdictions and agencies.

This can make it difficult for courts to ascertain important information about the programs. The Center for Court Innovation and the Battered Women's Justice Project encourage courts to meet with their local intervention programs for abusive partners to establish a better understanding of the expectations that the court and the programs have of each other, and to enhance offender accountability and

victim safety. Below is a list of some of the most important questions courts should ask, along with some general information based on national best practices. This tool can be a starting point for further conversations and collaboration among courts, programs, and other criminal justice stakeholders seeking to enhance their collaborative responses to domestic violence cases.

<http://bit.ly/2tJZVEe>

What Courts Should Know

Trends in Intervention Programming for Abusive Partners

<http://bit.ly/2vPrmOD>

Sample Document: Domestic Violence Offender Program Observation Form

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ABOUT THIS SAMPLE DOCUMENT

This sample form was adapted by the Center for Court Innovation from a similar document created by the Vermont Council on Domestic Violence. The purpose of this form is to enable domestic violence court resource coordinators to gather and record information about the content, structure, and policies of mandated programs for domestic violence offenders.

Domestic Violence Offender Program Observation Form

<http://bit.ly/2wafffb>

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Abusive Partner Accountability and Engagement Website:
<https://www.courtinnovation.org/abusive-partner-resources>

